



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 20 March 2012

Session 4

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1171
SUBORDINATE LEGISLATION.....	1172
Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 [draft]	1172
Police Pensions (Contributions) Amendment (Scotland) Regulations 2012 (SSI 2012/71).....	1175
POLICE AND FIRE REFORM (SCOTLAND) BILL: STAGE 1	1177

JUSTICE COMMITTEE

10th Meeting 2012, Session 4

CONVENER

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

DEPUTY CONVENER

*Jenny Marra (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Roderick Campbell (North East Fife) (SNP)

*John Finnie (Highlands and Islands) (SNP)

*Colin Keir (Edinburgh Western) (SNP)

*Alison McInnes (North East Scotland) (LD)

*David McLetchie (Lothian) (Con)

*Graeme Pearson (South Scotland) (Lab)

*Humza Yousaf (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Councillor Ian Blake (Dumfries and Galloway Police, Fire and Rescue Committee)

Councillor Stephen Curran (Strathclyde Police Authority)

James Fowlie (Convention of Scottish Local Authorities)

Councillor Barbara Grant (Convention of Scottish Local Authorities)

Councillor Martin Greig (Grampian Joint Police Board)

Councillor George Kay (Fife Police, Fire and Safety Committee)

Lewis Macdonald (North East Scotland) (Lab)

Councillor Ian Ross (Northern Joint Police Board)

Nicola Sturgeon (Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy)

Councillor Pat Watters (Convention of Scottish Local Authorities)

Councillor Iain Whyte (Lothian and Borders Police Board)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 20 March 2012

[The Convener *opened the meeting at 09:45*]

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning. I welcome everyone to the 10th meeting of the Justice Committee in 2012. I ask everyone to switch off mobile phones and other electronic devices completely, as they interfere with the broadcasting system even when they are switched to silent. No apologies for absence have been received.

Agenda item 1 is a decision on taking business in private. Do members agree to consider item 6 in private?

Members *indicated agreement.*

Subordinate Legislation

Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 [draft]

09:45

The Convener: Agenda item 2 is subordinate legislation. There is one affirmative instrument for the committee to consider: the draft Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012. The Subordinate Legislation Committee did not draw the Parliament's attention to any concerns in its report on the draft order.

I welcome to the meeting the Cabinet Secretary for Health, Wellbeing and Cities Strategy—that is some title—and the two Scottish Government officials who are accompanying her: Simon Stockwell, who is head of the family and property law branch; and Felicity Cullen, who is a solicitor in the legal directorate.

This is an evidence session. I invite the cabinet secretary to make a short opening statement before I invite questions from members.

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): Thank you.

The matter is quite technical. With your permission, convener, I will explain exactly what the issue behind the draft order is. The main point of the draft order is to correct an omission from the implementation of the Civil Partnership Act 2004.

By way of background, when a couple wish to divorce or dissolve their civil partnership, they must apply to the court for a decree. In certain cases—for example, where there are no children or there is no dispute over finances—they can seek a court decree by means of a simplified procedure. Just over half of all divorces in Scotland are granted using that procedure.

Under the Civil Evidence (Scotland) Act 1988, the court has to see evidence from a third party before it can grant a decree of divorce or dissolution. However, the 1988 act contains the power to disapply the requirement for the court to see third-party evidence.

In 1989, the Lord Advocate made an order that removed that requirement in relation to divorces under the simplified procedure. When the Civil Partnership Act 2004 was being implemented in 2005, an order should have been made to remove the need for third-party evidence for the dissolution of civil partnerships under the simplified procedure, but, unfortunately, that was not done. The draft order that is before the committee makes that provision.

Around 150 couples have used the simplified procedure to obtain decrees that dissolve their civil partnership without the court seeing third-party evidence. The Scottish Government's view is that the court decrees in those cases are legally effective, but it would be possible for someone to ask a court to reduce a decree of dissolution because the court that granted it did not see evidence from a third party. I believe that the risk of challenge to a decree of dissolution on that basis and the possibility of successful challenge are low, but we recognise that the consequences of a successful challenge would be serious.

We cannot do anything in secondary legislation about existing dissolutions, because we do not have the power to do that in secondary legislation. However, as the Executive note makes clear, we are committed to introduce primary legislation to prevent a challenge to any decree on the ground that the court did not see any third-party evidence. We will do that as soon as a suitable opportunity arises.

Finally, the draft order makes a minor technical change to the 1989 order so that it refers to the periods of time that spouses must live apart in order for the court to grant a divorce on the basis of their non-cohabitation. The amendment to the 1989 order reflects changes that were made to divorce legislation by the Family Law (Scotland) Act 2006.

I am happy to answer any questions.

David McLetchie (Lothian) (Con): Who first noticed that 150 dissolutions had been wrongly granted?

Nicola Sturgeon: The omission to which I referred in my opening remarks was spotted by officials within the Scottish Government when they were looking at the legislation generally.

It is not for me to ask supplementary questions, but I suppose that a reasonable supplementary question would be why the issue was missed in 2005. As members know, the Civil Partnership Act 2004 is a large and complex piece of legislation. It spans both reserved and devolved matters and has an impact on many different areas of law. The omission is unfortunate, but it happened in the context of the implementation of that large and complex piece of legislation.

David McLetchie: So it was not identified by any of the sheriff clerks who normally process affidavit divorces or dissolution applications.

Nicola Sturgeon: No. My understanding is that the omission and its implications were not brought to our attention by any outside organisation.

David McLetchie: So it was not brought to your attention by anybody in the courts. Right. Thank you very much.

The Convener: Do I take it that the primary legislation will be retrospective?

Nicola Sturgeon: The draft order under consideration will deal with the issue for the future. The primary legislation would protect the decrees that have already been granted from challenges.

The Convener: When will that legislation be in train?

Nicola Sturgeon: We have not yet identified the appropriate vehicle in that respect. As I said in my opening remarks, we consider the risks to be very low, although any successful challenge will, of course, have serious implications. Nevertheless, we will identify an appropriate legislative vehicle at the earliest opportunity and I am happy to keep the committee apprised of what that vehicle might be and when it might be introduced.

The Convener: That is very helpful.

Roderick Campbell (North East Fife) (SNP): Just for the record, does this mean that, procedurally, there will be equality between dissolutions of civil partnerships and divorces?

Nicola Sturgeon: I am sorry—did you say “inequality”?

Roderick Campbell: No, I said “equality”.

Nicola Sturgeon: Although up until now courts have been dealing with these cases on the basis of equality, the law itself did not permit such equality. Under the simplified procedure, the position with dissolutions of civil partnerships and divorces will be the same in the sense that no third-party evidence will be required.

The Convener: I note that it was all lawyers who wanted to ask questions on the draft order.

The next item on the agenda is the formal debate on the draft order. I invite the cabinet secretary to speak to and move the motion.

Motion moved,

That the Justice Committee recommends that the Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 [draft] be approved.—[*Nicola Sturgeon.*]

Motion agreed to.

The Convener: We will consider a report on the draft order at next week's meeting. I thank the cabinet secretary and her officials and suspend the meeting briefly to allow a changeover of witnesses.

09:51

Meeting suspended.

09:53

On resuming—

**Police Pensions (Contributions)
Amendment (Scotland) Regulations 2012
(SSI 2012/71)**

The Convener: The next item on the agenda is consideration of a negative instrument. The Subordinate Legislation Committee has drawn the Parliament's attention to the regulations on the ground of drafting errors, and the Scottish Government has undertaken to correct those errors when it makes the next set of amending regulations. Do members have any comments?

David McLetchie: I have two comments. First of all, this has not been a very good day for parliamentary draftsmen, given that the first two substantive items on the agenda have concerned drafting errors in regulations—or, in the case of item 2, non-regulations.

More to the point, I note that the regulations are designed to increase police officers' pension contributions in the forthcoming financial year. I suggest that, in view of the hoo-hah over contributions to public sector pension schemes, we defer consideration of the regulations for a week and ask for specific information about the increases that we are being asked to approve and how they relate to increases that are proposed for other parts of the public sector. I am sure that I am not the only member who has received correspondence from a number of teachers who are concerned about proposed increases in their pension contributions, and the principle of equity suggests that, instead of considering these matters in isolation, we should consider specific proposals against some overview of the Scottish Government's intentions in relation to these schemes. I am sure that those members of the Parliament who were not on a picket line will remember the great song-and-dance about public sector pension contributions that the Scottish Government made in the debate that we had towards the end of last year. Instead of simply highlighting a few unfortunate drafting errors, the papers should make explicit what police officers are going to be asked to pay in future and I request a one-week deferral in order to get that additional information.

The Convener: I confirm that it is possible to defer consideration of the regulations for a week and to write to the Cabinet Secretary for Justice for clarification on the points that you have raised. Instead of taking any more questions, I wonder

whether the committee is happy simply to agree to that proposal and consider the matter next week.

John Finnie (Highlands and Islands) (SNP): I should declare an interest as a police pensioner.

I find it unfortunate that, as David McLetchie rightly said, the rather Victorian term "police officer" is used in the regulations and that the opportunity to correct that has been missed.

As for Mr McLetchie's proposal, I have no issue with it, but I think that he is being a bit mischievous. I am not sure that the wider issues fall within this committee's remit.

The Convener: Heaven forfend! There is no mischief in Mr McLetchie.

John Finnie: I am very happy to discuss public sector pensions and was very happy to be on the picket line.

The Convener: We all have a little mischief in us, John.

David McLetchie: You were not on the picket line—you were in the chamber.

John Finnie: Yes, I was.

The Convener: Now, gentlemen.

Jenny Marra (North East Scotland) (Lab): Given that the Scottish Government is working on arrangements for different contributions to firefighters' pensions and given that we are considering the bill that will introduce single police and fire and rescue services, I wonder whether it would be worth while to ask the Scottish Parliament information centre to brief us on contributions made by both services in order to keep abreast of these issues.

The Convener: I do not think that we need to ask SPICe for that. Instead, we will just ask about the pension contributions made by all elements of the public sector, including teachers, firefighters and the police, and we will have that information available for next week's meeting.

Are you about to get up to mischief again, John?

John Finnie: Not at all, convener.

The Convener: Oh—I was beginning to enjoy myself.

John Finnie: I was just wondering whether we would also ask about the financial implications of the Chief Secretary to the Treasury's comments on the removal of £5 million a month from funding.

The Convener: We will seek a full response from the Cabinet Secretary for Justice about the pros and cons. That will not be a problem.

Police and Fire Reform (Scotland) Bill: Stage 1

09:57

The Convener: Agenda item 5 is our final evidence-taking session on the Police and Fire Reform (Scotland) Bill at stage 1 before we hear from the cabinet secretary. I am sure that members are all sorry to hear that.

I welcome to the meeting an array of councillors: Councillor Ian Blake, convener of Dumfries and Galloway police, fire and rescue committee; Councillor George Kay, convener of Fife police, fire and safety committee; Councillor Martin Grieg, convener of the Grampian joint police board; Councillor Iain Whyte, convener of Lothian and Borders police board; Councillor Ian Ross, vice-convener of the Northern joint police board; and Councillor Stephen Curran, convener of Strathclyde police authority. I thank the witnesses for their very full written submissions.

We will move straight to questions. If a committee member does not direct a question to a particular witness, anyone who wishes to answer it should indicate as much to me and their microphone light will come on automatically. If anyone else wishes to come in, they should indicate as much; I will make a note and come back to them.

Colin Keir is first up. Perhaps he is wearing his councillor hat.

Colin Keir (Edinburgh Western) (SNP): Yes. I declare that I am a member of the City of Edinburgh Council.

The Convener: I am so sorry, Colin—I should say that Martin's surname is actually Greig, not Grieg. I was thinking of the composer.

David McLetchie: The culture committee beckons, convener. [*Laughter.*]

The Convener: Indeed. Now, people, we are all going to settle down—me included.

Colin Keir: We have started off well this morning, convener.

Good morning, gentlemen. Various submissions that we have received have commented on the fact that, at the moment, the chief constable produces a report that is then discussed by the board. As a result, you effectively hold the chief constable to account. How effective is such an arrangement in this day and age?

Councillor Iain Whyte (Lothian and Borders Police Board): I will begin, but I am sure that others will want to chip in. As I understand it, the process that you have described varies slightly in

different ways between different boards. In Lothian and Borders, for example, we have beefed up support to the board by ensuring that it can seek independent advice and research when looking at reports. We are also aware of the Scottish policing performance framework, which provides information across the different board areas that we can use for background comparison.

10:00

My board has taken steps to look at performance and scrutiny in different ways. We have tried to compare our area with areas in England of a similar size and with similar population demographics, in order to get good comparisons. We do not look at just what the chief constable tells us; we look outwith that and scrutinise appropriately, based on a mixture of things.

Councillor Ian Ross (Northern Joint Police Board): Another gauge is best-value reviews, which have been carried out by Audit Scotland and Her Majesty's inspector on quite a number of the boards in the past three years. A lot of weight was laid on the challenge to chief constables, the contribution to strategic vision and the way in which board members engaged. Northern joint police board came across well in that process.

Councillor George Kay (Fife Police, Fire and Safety Committee): Yesterday I contributed to our best-value audit—we were the last in line—so I must be fairly consistent with my responses. The best scrutineer—as far as boards are concerned—is the unitary authority.

As I said yesterday, the whole process is not particularly good and not done well. That is mainly because the resources that are available to the chief constable are substantial but the resources that are available to our board are negligible—in fact, they are non-existent. We do not have a budget. We must rely on the chief constable to bring us exactly what we should get, in the way we should get it, so that we can question robustly. The new Scottish police authority must take that on board. In 2008, the Justice Committee pointed out that that should be done. The SPA must have robust criteria to hold the new police service to account. That must be reflected at a local level, throughout the 32 local authorities.

Colin Keir: In the accountability process there are situations where security clearance of particular members of a police board is set at a low level. Previous evidence has suggested that there is very little of the required accountability in police boards, because of the security level. Can I have your comments on that?

Councillor Martin Greig (Grampian Joint Police Board): Grampian Police and Grampian

joint police board did very well out of the BV2 audit. The board was commended for robustly and vigorously holding the chief constable to account, while representing the views of the three local authority areas across the north-east. No problems around vetting have come up.

I note that a main impetus for police reform seems to be a move to increase the level of councillor involvement in police scrutiny and decisions. That activity will obviously be on a new scale when more councillors are involved. I emphasise that the effect of holding the chief constable to account has brought good results to the north-east, as we are one of the lowest-funded forces but have one of the best records of performance in fighting crime. We effectively and efficiently make the best use of resources, and it is good that the auditors have commended us for that.

Councillor Ian Blake (Dumfries and Galloway Police, Fire and Rescue Committee): Good morning. Like John Finnie, I declare an interest as a holder of a police pension.

In relation to the first point, we do not solely rely on reports from the chief constable: in specific instances we call for reports, and there is a good level of scrutiny as far as that is concerned.

Security vetting has been increased in recent years. The involvement of Her Majesty's inspectorate of constabulary for Scotland, especially on counterterrorism matters, has led to an increase in the security vetting of members. Work with the National Policing Improvement Agency has also improved the level for certain members of the authority. I do not see that issue being an insurmountable problem.

The Convener: You mentioned in passing calling for reports. Do you have a specific example?

Councillor Blake: We had a difficulty with the ports unit at Stranraer when the Scottish Government reduced its police staffing levels. The authority recognised that there was an issue and called for specific reports that looked at the matter along with the UK Border Agency.

Councillor Whyte: I will sum up the position. Although people may have some concerns about the fact that boards largely get their reports from the chief constable, I assure you that my board calls for reports. I can think of three or four issues from the past few meetings, including concerns relating to police station front counters and some additional work that was carried out on the potential reforms to combine the Lothian and Borders Police mounted section with the Strathclyde Police mounted section and best-value issues. More important were the reports on issues such as the use of regulation A19 of the Police

Pensions Regulations 1987 to retire police officers after 30 years and voluntary redundancy schemes. The board is proactive on a whole host of matters.

A number of our members have been vetted and I attend the force's security committee from time to time to bring oversight to that. There is not a problem with vetting; it is a matter of getting it in place. The key aspect for me in relation to Mr Keir's question is that I do not see the situation as being any different from that in any local authority committee where the information comes from local authority officers, or that in a health board or other government institution where the information comes from within the organisation. That information is scrutinised using auditors and external and research help, but the information must initially come from within the organisation.

Councillor Ross: My understanding is that our convener and vice-convener have had additional vetting. I do not know at what level, but the issue was raised with us.

Over the past year or more we have called for reports on call handling, domestic violence, police involvement in diversionary measures, absence management—although that was for one of our working groups—and regulation A19 and its application.

Councillor Kay: I take on board what my colleagues have said, and in Fife we are proactive in bringing forward things that we want to hear about from the chief constable and the police service. Nevertheless, at the end of the day, we have to rely on the chief constable and the police service to give us factually correct information. We cannot start to query that.

I do not think that any of us are vetted at a particular level. I know that Mr Pearson has an in-depth knowledge of the Scottish Crime and Drug Enforcement Agency. I sit on the Scottish Police Services Authority board but my vetting for that board is not sufficient to allow me to comment on the SCDEA—only the chief constables who sit on that board can do that. There is a limitation to what we can do.

Colin Keir: Councillors Whyte and Ross made the point that some people on police boards are vetted. Does the fact that only a limited number of people are vetted to a particular level show the inadequacies of the police board system in relation to full accountability?

Councillor Greig: It is important to bear it in mind that we are democratically elected representatives. We are not professionals; we are there in a lay position to represent the public. We are not, and should not try to be, professionals, because we are there to represent the average citizen on the street.

Grampian Police has responsibility for oil and gas policing and royalty protection on royal Deeside. The area has an international airport. We deal with all kinds of terrorism and with serious organised crime gangs that come from England and abroad. All those issues are high risk, and we deal with them effectively through a positive partnership between the force and the board. It is clear that, in the past eight years, we have achieved very good results with a very low budget. That needs to be borne in mind.

The boards have built up a great deal of expertise and the clerking function has built up the professional aspect. I am not yet clear about how that will transfer to the new local policing committees. It is important for the committee to think about that, too.

Councillor Stephen Curran (Strathclyde Police Authority): Mr Keir has asked an important question. I do not think that “inadequate” is a fair word to use to describe the current situation. There is a balance to be struck in relation to operational needs. Councillor Greig mentioned counterterrorism and serious and organised crime, on which it would be inappropriate for us to know as much as the chief constable and the senior officers know. The balance involves what is publicly accessible, what we can discuss in the police board setting and who is vetted.

Strathclyde police authority has a dedicated staffing function that is distinct from that of the 12 councils in Strathclyde. The authority’s chief executive is vetted to deal with security issues and senior police authority members who chair meetings might be vetted, but we sometimes want to have a public discussion, which means that we cannot have a wider discussion about the most crucial issues of operational need for the police. I understand the point, but vetting is not an insurmountable issue.

Alison McInnes (North East Scotland) (LD): I am interested in the panel’s views on the bill’s proposals for national governance. We have heard contrasting views from previous panels about whether the proposed number of members of the Scottish police authority—between seven and 11—is anywhere near adequate. We have also heard different views on whether elected local authority members should be represented on that board. I would be interested to hear a range of views from the panel.

Councillor Whyte: I start by echoing our written submission. We were looking at having a larger board size than seven to 11 members, which is based on our experience. My board—Lothian and Borders police board—has 18 members, which works reasonably well. If that was slimmed down, running committees and so on would become

difficult. A board of seven to 11 members would be rather tight; we recommend having more members.

The Local Government and Regeneration Committee has looked at the issue in detail and has suggested to you a larger number—at least 15 or 16 members. A figure of between 15 and 18 is probably reasonable.

It would be really helpful to involve people with local government experience and to have the link back to communities, particularly when the idea is to have local policing committees, which are to represent local views on policing and hold the local commander to account. The problem is that not enough of a link is made in the bill and not enough detail is in the proposals to make clear how the arrangements will work. To safeguard such a link, one basic point that the committee might look at is ensuring that at least some members of the new authority bring local government experience to the table.

The Convener: Do you have a proportion in mind? Would such people form a majority or a minority?

Councillor Whyte: We did not come to a view on that. Other witnesses might have their own views.

10:15

Councillor Kay: The number of members of the board is interesting but not a killer. My own submission is that it should have 13 members. I am prepared to live with 11 as I do not think that that figure represents an insurmountable problem.

We have to get professional input on the board to scrutinise the police service. By professional input I mean professionals from various areas of life, including professionals from local government. I do not mean necessarily paid officials but professionals such as those represented on the panel—people who have experience of local government. Their input is essential. They do not have to be in the majority, because when people go into the boardroom they have to leave their hat behind—whether it is their political hat, their geographical hat or whatever—and become a member of that board. I hope that the professionalism that people display is what is important rather than whether they represent Auchtermuchty or wherever. It is essential that that professionalism is a feature at all levels.

Councillor Curran: The important point is what the police service is for. The main thrust of what the police do in Scotland is community-based local policing, so it is fundamental that people who have a democratic mandate, legitimacy and accountability at local level are on the national

police authority. We are directly elected for wards and we directly represent councils on police authorities. It is important because of the nature of policing that there are people on the national police authority who have that local relevance.

It is also important to have people who are not elected but are on the board because of their expertise. However, they may become specialist and may home in on something almost as a hobby-horse. We are compelled to have a wider interest because of our elected mandate. It has been acknowledged in some of the committee's discussion on the bill that non-members of the authority might take part, so there is almost an open admission that the number of members specified for the authority is too low.

Councillor Blake: On the proposed number of members on the authority being between seven and 11, our own police authority has 11 members, so we work with that system now. Given the geographic spread of Dumfries and Galloway, travelling is difficult at times. Resilience is therefore an issue, as it can be difficult to get enough members to have a meaningful board meeting. Our view as a local authority was that probably anything up to 15 members would be appropriate. Although we as conveners did not come to a decision about whether there should be a majority of conveners on the police authority, my own local authority supports the suggestion that there should be a majority of local authority members.

Councillor Greig: The number of members that is being proposed is much too small. There is a very significant democratic deficit in the new set-up, because policing is a local government function. We rely on community policing to operate according to the principle of policing by consent. That means that decisions on budgets and performance relating to police forces need to be made locally.

Naturally, therefore, we in the north-east have very considerable concerns about losing that democratic oversight of our local police force, because over the years we have fought very hard to stand up for policing in the north-east. In 2004 we won a very good deal from the Scottish Government, which has brought almost £7 million extra to north-east policing, thanks to the very hard work of successive police boards and politicians in the north-east. Recognising that £1.5 million extra that should have come to us went to Lothian and Borders—

The Convener: You were all getting on so well.

Councillor Greig: The point is that we fight for our local areas. The value of the local boards is that we have somebody to bang the drum for policing in our areas. There will be no access to a

remote quango of seven to 14 people, so people will no longer be able to influence police resources or police performance issues.

The Convener: I have a feeling that you have undermined the case for having councillors on the SPA—there would be a scrap about whether money should go to the north or to Dumfries and Galloway. I would be batting for Dumfries and Galloway—I used to live in Minnigaff, so I know what Councillor Blake is talking about.

Colin Keir: We just heard a very impassioned speech for the north-east, yet, as was pointed out earlier, for the main board people go in and leave their geographical allegiances at the door. That is part of the problem: how do we square that circle?

The Convener: Yes, that was my point. We will let you mull over that, Councillor Greig.

David McLetchie: I was just going to ask a follow-up, actually.

The Convener: I think Alison was going to pursue it. Can we let her do that, as she opened this up? I will put you on my list, David.

Alison McInnes: I want to pick up on something that was said about the resolution of local plans, the interface between the national board and the proposed local arrangements and how silent the bill is on some of those points. If panel members could elaborate on what they would like to see to improve the situation, that would be helpful.

The Convener: We will come back to that one. David, do you want to go back to the question of representation on the SPA that was opened up?

David McLetchie: I just wanted to ask a question that might be appropriately directed in the first instance to Councillor Whyte, although other members of the panel might have a view. Members will recall that last year there was considerable controversy about forensic services and the proposals to close police labs in different parts of Scotland. I think, Councillor Whyte, that that directly affected Lothian and Borders because of the Howden Hall lab. You were also a member of the SPSA, so in a sense one might say that the sort of conflict of interest highlighted in the previous question might have arisen. That might be the case for some others on the panel, too. Will you describe how you managed to leave your hat at the door and come to a national view that might not necessarily have been favoured by your colleagues on the Lothian and Borders police board?

The Convener: Focus on conflicts of interest, please. Forensic services are a good example.

Councillor Whyte: Two of us—me and Councillor Kay—are members of the board of the SPSA. By virtue of the way in which we are

appointed to that board, we are required to work corporately and to take the interests of the SPSA and its efficiency into account rather than anything else that we bring with us. Although we bring knowledge and experience of policing governance from elsewhere, we are required to take the interests of the SPSA into account. When we considered such matters, I was required to consider them in the interests of efficiency across Scotland, but not necessarily in the way that I would have done so with colleagues had we been lobbying the case for having a lab in the city of Edinburgh available for direct use by police officers from Lothian and Borders.

David McLetchie: Will you remind me of the composition of the SPSA and the balance between councillors and non-councillors?

Councillor Whyte: There are two councillors who are conveners—myself and Councillor Kay—two chief constables and five independent board members, including the convener. We are all appointed by the Cabinet Secretary for Justice but four of us are stakeholders of the Association of Chief Police Officers in Scotland and the Scottish police authorities conveners forum.

David McLetchie: Sorry. Councillor Kay, did you want to say anything?

Councillor Kay: I do not think that I ever had any conflict of interest. Fife does not have a forensic lab, nor does it need one.

The Convener: That made it easy for you, then. That does not help you.

Councillor Kay: We have the facilities in Edinburgh, Dundee, Aberdeen and Glasgow at our disposal, depending on where exactly the case happens. I would echo what Iain Whyte said: it is essential that the board of the SPSA—and that of the SPA, as we go forward—takes into account what is best for Scotland, what is best for forensic services in Scotland and, finally, what is best for police services in Scotland, rather than maintaining the geographical entity just because it happens to be in Edinburgh.

The Convener: Councillor Curran, you wanted to come in on this point about conflicts of interest.

Councillor Curran: Councillors deal with conflicts of interest every week in the bodies and boards that they sit on. For example, my police authority board in Strathclyde has 12 councillors on it but, collectively, we are Strathclyde police authority, covering half of Scotland, rather than individual councillors. That is an important point: when you are in that meeting, you have the wider perspective. We could bring that to the national board in a way that independent members with a particular interest or hobby-horse perhaps could not.

The Convener: I will move on to Alison McInnes, who wanted to ask a different question.

Alison McInnes: Just to finish the debate, Councillor Greig has been accused of undermining the case for elected members on the national board—

The Convener: I alluded to that.

Alison McInnes: To be fair to Councillor Greig, he might want to come back on that. I think that he was making the case for how effective the existing police boards have been rather than arguing about the proposed new national board.

The Convener: He has not indicated, but he can chip in if he feels that he must defend his corner.

Councillor Greig: I wanted to come in with a comment on the SPSA that relates to the point that has just been made. A centralised body such as the SPSA or the SPA needs a clear understanding of its policies on crime fighting. We already have in place excellent policies and an excellent business model in the north-east.

The danger with a centralised model such as the SPSA is that it focuses attention on areas of high-volume crime and particular areas that are perceived to involve high-profile crime-fighting issues such as sectarianism and knife crime. Such issues do not concern us hugely in the north-east.

Unless the policies target the various patterns of crime across Scotland, that model will not work. The SPSA has proven that to be the case, because one of its first decisions was to close the forensics laboratory in Aberdeen. It is clear that in the past eight years—with crime falling, detection rates improving and good performance in various other areas in the north-east—the forensics lab has played a vital part in keeping crime down. It is the absence of crime that is the measure of successful crime fighting and policing, not whether all your resources have been pushed towards the intractable problems. That indicates failure rather than success, and you need to look at successful models such as the ones that we have used in the north-east.

The Convener: You have certainly punched for the north-east today, I will tell you that.

Councillor Kay: I take completely the opposite view from Martin Greig. [*Laughter.*]

The Convener: At last the truth is out.

Councillor Kay: We are all taking political stances of one sort or t'other, but if you asked the professionals about the particular instance that Councillor Greig mentioned, they would say that the north-east of Scotland would not be hit one wee bit if there was not a lab there. The area would still get the same service that it gets from

Dundee, day after day, week after week and month after month.

The Convener: I will move on from what seems to be developing into a feud. Alison McInnes has another question.

Alison McInnes: I have another question about the interface between the national board and local arrangements and the local authority committees under the proposals in the bill. The bill does not go into great detail about how any difficulties—for example, between the national policing plan and whatever was in the local plan—would be resolved. Have panel members had a chance to think about that?

Councillor Ross: The important thing is that it is not just about numbers in a room. There is a real focus on the number of people who might be able to participate, which can be important, but the crucial thing is the substance and influence that those people have. There is no clarity on that as yet.

The wider links are important, and there are issues about how any conflict will be resolved. All those areas need further clarity. Some of the pathfinder work that is currently taking place will be significant and there are opportunities too, particularly with regard to how we forge better links with community planning partnerships.

Some partners—particularly the NHS—will willingly come to the table, and there are things that we can get from that. However, some other partners, such as the Scottish Ambulance Service, are somewhat unwilling to come to the table at present, and we need to find ways to resolve that situation. The SPA has the robustness, the size and the professional expertise to be able to engage with the local policing committees or whatever structures come from that model.

The Convener: I will take Councillor Whyte, followed by Councillor Greig and then Councillor Kay. Do you want me to move you apart from each other yet, or have you made it up?

Councillor Whyte: Do I need to sit between them?

The Convener: You can sit in the middle if necessary.

10:30

Councillor Whyte: Alison McInnes is right that the bill does not say anything about structures. I was asked the same question at the Local Government and Regeneration Committee. The panel that I was on at that meeting had a lot of policing professionals and some outside people, but I do not think that any of us said that we should have fixed dispute resolution procedures.

The problem with those is that we would get into dispute resolution very quickly. However, we do have to have political and other mechanisms to resolve things.

On best practice, in Lothian and Borders we have five constituent authorities, each of which sets out a local policing plan with the local commander. The local council and the community planning partnership come together to do that. So, we already have a model that is quite similar to local policing, but it must fit within the overall Lothian and Borders plan that is developed by the board and the chief constable and through public consultation.

For me, what is lacking is how the new Scottish police authority intends to get the information on which to set a national plan. Aspects of that are local consultation and working with local scrutiny committees and people, and consulting the public. There is also stuff around the professional policing side. At the moment, there is a Scotland-wide policing plan, which is built up from the local level with input from a unit in ACPOS. The Scottish policing plan then goes out for consultation before being agreed. There would have to be something like that and some way of consulting local authorities to ensure that the elements that they required were in a new national plan.

Local authority areas must also continue to be allowed to be different in some ways. There are considerable differences within Lothian and Borders in that regard. For instance, the Borders is a very sparsely populated geographical area, but the city of Edinburgh is rather different, as it is the capital city. Roads policing and traffic accidents are a much higher priority in the Borders and are written into the local policing plan in a way in which they are not in other areas of Lothian and Borders. That kind of local flexibility must remain.

Councillor Greig: The local aspect is an important issue. We currently have three divisions in the north-east and the new set-up would create almost three chief constable areas from the three divisions. I believe that there is a significant risk ahead of us because divisional commanders will be responsible through the command-and-control structure to their chief constable but will also in some way be accountable to their local authorities, so they could be pulled in two directions. That is a real concern, particularly when all the key decisions will be made by the chief constable and the new Scottish police authority.

Each of the three divisions that we currently have receive a relatively equal share of the precept. According to the grant-aided expenditure figures and the number of people in each of the three areas, they each get about the same level per head for policing. The new set-up will have to have some kind of resource tracking system to

ensure that each of the divisions gets a fair share of the funding. There is a danger that there will be a separate specialised unit that will bring police specialists into an area from some centralised resource. Currently, we have them spread across the north-east—geographical distance is an important factor—because by having them present we are able to deal with crime much more quickly and effectively.

Tracking police resources will be crucial in the new set-up and will be difficult; tracking the deployment of resources to tackle crime and improve performance will be extremely difficult, too.

Councillor Kay: Fife's being a unitary authority means that I sometimes have difficulty understanding the problems that boards have, because Fife does not really have such problems. As the pathfinder group goes forward, I hope that it will model the system that Ian Blake and I have in our unitary authorities and consider how we deal with problems between the chief constable and the chief executive—that is difficult—

The Convener: That was recorded. There was no point in whispering it.

Councillor Kay: I look forward to boards and local authorities looking to the Fife model, as part and parcel of the pathfinder group.

We are considering what will happen when we get to the gigantic problem, which we will face, and who will resolve it, but we should do much more than that; we should put our efforts into avoiding the problems, by introducing deterrents.

The issue that still needs to be addressed in the bill is communications between the SPA and the 26 or 28 local authorities—whatever the number. That is crucial. There must be robust, two-way communication, because the scrutiny groups in local authorities must have the same zing that we expect the SPA to have. In my submission, I suggested a fostering approach, along the lines of what happens in the Metropolitan Police, where a member of the Met board looks after a number of local authorities. Something like that would be adequate to ensure that communications are robust.

Councillor Blake: I will briefly go back to something that George Kay said—today must be a day for going against George—

Councillor Kay: That happens every day.

Councillor Blake: George Kay said that we are all here to relay our political stances. I am not here to relay any political stance; I am here with a mandate from my board, which is cross party, to put forward its views.

On the question about the potential for conflict between the national board and local committees, an element of devolved local budgeting flexibility might aid the situation, by giving us the opportunity to hold the local police commander to account, tackle local policing issues and work towards meeting our single outcome agreements. Such an approach would allay concerns about conflict.

Councillor Curran: Councillor Blake has made an important point. People in Scotland want to know what the police in their area do. They also want to know how much resource the local police have, but if the money is controlled at national level, where is the scrutiny of the 32 councils' local policing arrangements?

If local policing arrangements are important, why does the bill say so little about the issue? The current approach means that a council's policing arrangements could be very different from its neighbouring councils' arrangements. There is an imbalance in relation to who is setting the priorities at local level and how that is dealt with at national level. If the budget is nationally controlled, it is difficult to get buy-in at local level and true accountability.

The Convener: I have a list of members who want to ask questions; I will take you in order, because people have been waiting a long time [*Interruption.*] I see that Rod Campbell wants to be in the list. You are too polite; you must be more brusque with me.

Graeme Pearson (South Scotland) (Lab): Let us be brusque, in that case. I want to cover three areas: budgets and staff numbers, national accountability and the democratic deficit, and local arrangements.

We are moving towards change in April next year. It is important for police boards to understand their current resources and budget allocations. Do you want the current approach to be maintained next year, as the single entity progresses, or should there be some form of national allocation on the creation of the single police service? How will that work?

Councillor Curran: The question relates to what the budget is actually spent on. Some 88 per cent goes on officers and staff. We know that savings have to be made in terms of reform this year, never mind next year. There is a different balance in different areas—there are eight different balances across the country. For example, Strathclyde Police has 2,000 staff to 8,000 police officers and Lothian and Borders Police has 1,500 staff to 2,500 officers. That means that, if it is the staff that bear the brunt of the reform through voluntary redundancy, Lothian and Borders Police will take a much bigger hit, pro rata, than other parts of Scotland.

To almost fudge the answer to your question, I would say that we need a bit of both. We need clarity on the bigger national picture and we also need somebody to say what the best balance and the best use of resources would be. We are allowed to make decisions as eight distinct entities, but no one is saying what the national force would have that would enable it to provide the best policing and the best support function with a reduced budget.

Councillor Whyte: This is precisely where the strictures that the Government has placed on police authorities and on the reform programme are causing a problem: the number of police officers has been specified and there are to be no compulsory redundancies. As you heard from Councillor Curran, around 85 per cent to 90 per cent of the forces' budgets goes on staffing costs, which leaves us very few options. Furthermore, many of us have already made efficiency savings. Over the lifetime of our board, we have made efficiency savings of £20 million on a budget that is now about £170 million, which is a considerable saving. We have already considered all the hard choices. It is difficult to see how we will go about producing the savings, without being given some leeway.

Things are not equitable at the moment—this is where I might disagree with Councillor Greig, although he might have the same issues as me. The grant-aided expenditure release of resources to police authorities has not changed since 2004, which is a considerable time, but populations have changed a lot in that time. Because of that, Lothian and Borders Police is, in effect, underfunded. From day one, the new chief constable will face a problem in setting out the budget in a way that is fair to all parts of Scotland, taking into account need, the sparseness of population in certain areas and so on.

A lot of differences are built into current arrangements, and they will probably become worse. The worst thing that could happen is for all 32 local authorities to use their police committees to argue that they need more resource, because that would get us into a zero-sum game of arguing against each other.

Councillor Greig: It will be important to be able to monitor resources in the way that has been done before. People will want to know what is happening to their assets—not just the officers and staff, but the buildings. The police reform programme promises great savings, but those figures have not been related to local impact. It is getting close to the time when people need to know how those savings will affect us in our local police forces.

Grampian Police has made huge efficiency savings. In response to the police board's call for

more police officers, the chief constable created about 45 new police officer posts. That was a local autonomous decision. However, in the future, if we make local efficiencies, that money will go into a central pot and might be deployed elsewhere, which means that we might lose the incentive to make efficiencies as well as the benefits that come from making them.

Councillor Kay: What we do in relation to the budget will depend very much on the progress we will make in the next 10 to 12 months. If, in that period, we make an early appointment of the chief constable and the chair and membership of the SPA, the situation would have a completely different flavour from the one that it would have if we made the appointments at the end of the year. If we make them at the end of the year, the chief constable and the board will be able to consider only what we need from 1 April 2013. However, if the appointments are made earlier, there will be an opportunity to look at the budgets. If the appointments happen later, it might be wise to leave the budget exactly as if it were going to the local authorities, with the same sums of money. In that case, we should not change anything in the budgets—we should do only what is required for 1 April 2013. As I said, the issue depends on exactly when the key positions are filled and operational, and whether that happens in time to make the decisions.

10:45

Graeme Pearson: At an earlier meeting, the Auditor General raised the notion of democratic governance at national level. He talked about how the relationships between the minister, the convener, the board and the chief constable will operate. From your experience of the SPSA and how it has been governed in the past few years, are there any lessons that we should bear in mind? Is there a role for Parliament or for any other organisation in calling the new single police force to account?

Councillor Whyte: For me, the big thing that is missing is how local communities will hold the new police service to account. Although we will have local committees, we do not know how much power they will have. At present, the boards set the budget for the chief constable and monitor that on behalf of local communities, and we hold the chief constable to account for their performance. One important thing that we do is dip sample complaints. We also appoint diversity lay advisers and lay custody visitors. There is a host of checks and balances at local level. The service is made to account locally for the ethos of policing in each neighbourhood. I do not understand how we will get those democratic checks and balances in the new system.

The current tripartite system is often criticised because it is not exactly clear where accountability lies. That is true in a sense, but the system also has strengths in that we get things done by agreement. Pressure is put on the chief constable when things are wrong and there is pressure to fix things; the minister and the Government will apply pressure if they think that local authorities are not resolving an issue. The new structure seems to me to be very hierarchical. There is talk of Parliament having a role, but I am not sure where it will fit. If the SPA's role is to bring governance and accountability, what is the role of Parliament in overseeing that? It does not really fit. The appointments will be made at the behest of the minister, so surely the minister will have the governance role. The question how that will be monitored is perhaps for the Parliament.

The Convener: Part of the role of parliamentary committees is to hold ministers to account in a cross-party way. It is a backstop. I do not suggest that that is the way we will go on this issue, but we do that already, I hope.

Councillor Whyte: Would you stop ministers interfering in operational matters? I do not know. Who would judge that?

The Convener: I do not answer questions here. I just ask them.

Councillor Whyte: I put it as a hypothetical question for the committee to consider.

The Convener: I do not want to interfere with the flow of question and answers, but I am conscious of the time. The witnesses are giving us interesting information, but I ask them and the questioners for shorter questions and answers, because we have a big agenda to get through. I apologise to the members who are at the end of the queue.

Graeme Pearson: I presume that all the local checks and balances that Councillor Whyte rehearsed could be maintained under the new arrangement, overseen by the local committees.

Councillor Whyte: That is possible, but the key thing at present is the power to appoint the chief constable and the power to get rid of them if they do something wrong. There is also the power to set the budget and elements of the budget. Those are the meaningful bits, but they are being taken away from the local level and local authorities.

Councillor Greig: The issue is really that we should find out what we can learn from the SPSA. There is a clear lesson to learn about transparency. I make a heartfelt plea for the SPA to meet in public and to publish its minutes, agendas and all of its business. The current tripartite arrangement is not a very neat-looking solution, but it works very well. What is at risk in

the future is policing by consent as a local government function, so transparency will help to give some kind of reassurance and safeguard to communities.

Humza Yousaf (Glasgow) (SNP): On Councillor Greig's point and regarding local divergence, could I get one word on how many times a year each of the local authorities that are represented here meet their chief constable in open public forums?

Councillor Curran: Every meeting is held in public. Only specific items that perhaps have commercial confidentiality—

Humza Yousaf: How many times a year is that?

Councillor Curran: The board meets roughly every six weeks, and there are open committees. We also try to move around Strathclyde and not meet only in Glasgow, which is obviously the most central point for people. However, it is important to be seen to be out and about and to try to engage more fully with communities, as came through in the best-value reports. That would be difficult for a national authority to do without buy-in from local councils at policing-arrangement level.

Councillor Ross: All Northern joint police board's meetings are in public, are publicly webcast and are archived, so there is full access to our meetings.

The Convener: Rather than go round everybody individually, can you just confirm that all your meetings with chief constables are in public?

Councillor Greig: Yes.

Councillor Whyte: Yes.

The Convener: How often do the meetings happen? How often do you call the chief constable to account?

Councillor Ross: We probably meet five or six times a year.

Councillor Whyte: The meetings are six times a year in every local authority.

Councillor Greig: I think Grampian joint police board meetings take place between eight and 10 times a year, and we circulate around the three local authorities. We also have, I think, four complaints and four best-value committee meetings. However, those are often augmented and there are many other committees as well.

Councillor Kay: I agree with Martin Greig that it is not just about the eight times a year that we meet formally. The Fife committee has 20-odd meetings in which we appear in public together and answer questions.

Councillor Blake: In Dumfries and Galloway, we have board meetings monthly that alternate

between police and fire. In effect, there could be between six and 12 meetings a year.

Humza Yousaf: Thank you for those answers. I understand the point about localities, which we are focusing on at the moment. The quality of the meetings is as important as the quantity, in some respects. The Police Service of Northern Ireland said to us a few weeks ago that it holds about 10 meetings a year—which seems to be about what you guys do—that are open and accountable and to which the public can come. They hold the meetings in different parts of Northern Ireland.

One witness said that you need quality over quantity. I know that there are differences of opinion among the witnesses but—apart from local elected members—who has to be on the SPA board?

The Convener: I thought that we had dealt pretty well with that issue, Humza. There is no consensus about the balance between councillors and experts, but there is consensus that there must be both experts and councillors on the SPA.

Humza Yousaf: I suppose the question is this: who are the experts?

The Convener: Do the witnesses have specific suggestions?

Councillor Kay: On elected members, the English police authorities have a 50:50 split or a 49:51 split, depending on the authority. I was in Vancouver recently, where I went to see the police authority, which is split in the same sort of way. Those authorities appoint people who have experience in finance, human relations, strategy and so on. All the professional expertise that is needed to run a Government or local authority will be reflected in the police boards in some manner, shape or form.

Councillor Whyte: I agree with Councillor Kay's point about professionals. The only other suggestion that I would throw in for the current reform is that there be someone with change management experience.

Humza Yousaf: You mean "transition" management. [*Laughter.*]

The Convener: I am being enticed to ask why you have never wanted MSPs on the SPA, but I do not think that I should ask.

Councillor Kay: MSPs are barred.

Councillor Greig: It is about the separation of powers.

The Convener: Indeed.

Humza Yousaf: It is clear from the answers to my question that there is divergence in local approaches. Some meetings are webcast, all are

open, some take place six times a year, and some take place 10 times a year. You work with local circumstances, and you no doubt do that very well.

The fact that there is not enough definition in the bill of local accountability measures has been mentioned a lot. Would it be better to leave local boards and local authorities with flexibility than to have set structures that might be too inflexible?

Councillor Curran: That is why the approach in the bill has been taken. The Government wants more councillors to be involved in local accountability, but there is no guarantee that that will happen. That is the risk. In some places, the pathfinders have the same number of councillors. There is a risk that the bill's saying nothing about that means that it is worth less.

Councillor Ross: It is important that there is not a large and ineffective talking shop; there needs to be something with substance and influence. The real test will be whether it has those—reassurance on that is needed. Clarity in the bill might give such reassurance.

Councillor Greig: The concern is that the SPA and the chief constable will make the key decisions about resources and deployment of officers, so local committees will have a passive-reactive role in scrutinising what has happened rather than a role in driving forward the priorities for local policing in their areas.

The Convener: I cannot see any of you gentlemen being passive and reactive for one moment. You seem to be quite robust.

Councillor Greig: That is our job.

Councillor Whyte: Mr Yousaf is right to ask about local matters. There is the suggestion that local committees should mirror community planning partnerships. Conveners who represent wider areas are asked to visit local community planning partnerships throughout the board areas. I have been around them; they are not democratic, but are full of chief executives of organisations.

Councillor Curran: Absolutely.

Councillor Whyte: There is a big democratic deficit at local level. We do not want to be prescriptive about how local committees are brought together, but I make the plea that they be truly representative and democratic.

Humza Yousaf: Perhaps we have touched on the point that I am about to make; the convener can tell me not to pursue it further. Is the difficulty that we must have either all 32 authorities or none represented? People will gun for their areas. As much as people like to take off their geographical hats, it seems that it is difficult for them to do it, as has been somewhat exemplified.

The Convener: Do not open up that issue again; they have all become friends again. Councillor Kay and Councillor Greig are happy again, so do not stir things up.

Rod Campbell and Lewis Macdonald have been very patient. Jenny Marra and John Finnie may also ask questions, but I want to bring the discussion to an end after that.

Roderick Campbell: Good morning. From your experience, where is the boundary between operational independence and proper scrutiny and accountability? Has that caused you difficulties in practice?

Councillor Curran: The simple answer is that everything costs money and we can ask questions about everything, because we are responsible for the budget and we are the employers. We employ everybody who delivers the service. It is therefore difficult for operational excuses to be put forward if we want to ask questions.

Councillor Kay: I might take a slightly different view from the view that Stephen Curran takes. A question is raised in my submission. We have to define at an early stage what is and is not operational. Regardless of how nice we might think a certain toilet paper is, it is quite feasible that the chief constable might decide that its purchase is an operational matter, so we would no longer have responsibility for it. It is essential that we sit down early and define "operational". I am sure that there will be a grey area in the middle, but there should be a discussion, because it is important that the SPA or a local board does not get stymied.

Councillor Greig: Operational independence is crucial. I want to flag up a concern about the new reformed structure, which is intended to increase the number of councillors who are involved in decisions about policing. I am concerned that the new committees could politicise policing by creating substantive council committees that are based on the political complexion of a local authority area. Holding your local commander to account could involve questioning operational activities and policing campaigns and, as a council committee, people could take political perspectives on policing matters. That is a real danger that must be considered for the future.

11:00

Councillor Whyte: I will use the example of the climate camp at Gogarburn, the public furore around that and the number of police officers who were seen by the press to be standing back and not taking action. It was not for me or the board to tell the chief constable how to police that event, who to arrest or what to do. Afterwards, however, it was for us to ask how much money he had

spent, whether his tactics had been successful, how he would do it next time, how we might improve and whether the action had met what the public wanted—that is, did the protesters get to protest without the public being overly disrupted and did everyone remain safe?

Councillor Blake: To follow on from what Martin Greig said, in a unitary authority there is a risk that a political perspective could form as the proportion of members reflects the make-up of the administration, but in the five years for which I have been convener that has never been an issue.

Roderick Campbell: Do I take it, then, that none of you has had a problem with such a distinction in practice?

Councillor Whyte: No.

Councillor Greig: No.

Councillor Curran: The important point is that the chief constable has to be open to accountability. We are quite fortunate in that the chief constable who came to Strathclyde was, to put it bluntly, used to more robust accountability in England in the Metropolitan Police. He is used to being questioned. There could also be tension in that we could stray into areas that might feel like operational matters for the chief constable but on which we might understandably want answers. As long as the chief constable understands that we have a right to ask the question, he has the responsibility to answer.

The Convener: It has been put to us in a different place that police boards and fire boards seem to be overawed by the brass and the scrambled eggs. Can I take it that none of you has ever been overawed? I see Councillor Greig shaking his head.

Councillor Whyte: I like one of the things that I—and, I hope, lots of others—do at every board meeting to be to ask the chief constable a question that they do not know is coming and to which they do not necessarily know how to respond. The relationship is reasonably friendly most of the time, but there will be disagreements and we are quite right to have such disagreements from time to time.

The Convener: Are those disagreements in public?

Councillor Whyte: They are in public. Sometimes the chief constable looks quite grumpy at board meetings.

Councillor Kay: Sometimes I do, as well.

The Convener: I do not make witnesses grumpy, I hope.

Lewis Macdonald (North East Scotland (Lab): We have heard in previous evidence that

some of the practical strategic decisions in policing in the future in a single force will still be taken at what you might call regional level—in other words, in Glasgow and Strathclyde, out in Grampian or in any of the other regions within which the police will operate. What, in your view, is the best way to secure scrutiny and accountability, for example on road policing for a region of Scotland that might go significantly beyond the boundaries of a single council and for which the police decision-making process goes beyond the boundaries of a single council? Is that best done by an association of local committees from the bottom up, or by some form of regional collaboration or devolution from the national police authority?

Councillor Curran: That is where the pathfinders have been very helpful. For example, the three Ayrshire councils are used to being policed in an Ayrshire setting and Argyll and Bute has road traffic as its top priority in the Strathclyde setting. They want the priority that will be given to that at national level to be reflected in the local policing plan. It is really important that the national authority understands how it is responsible for engaging at local level, but it is also really important that local councillors have clarity on what they must do to ensure that the communities that they represent are also involved in the process. The onus for that is not just on the national authority.

The Convener: Does anyone else wish to comment? No? That is good—[*Interruption.*] Do not feel obliged to comment.

Councillor Whyte: I agree with Councillor Curran.

The Convener: That is fine.

Lewis Macdonald: That was a very clear answer, but I want to pursue one point a little further. If both the national authority and the local community have responsibilities, what is the interface? Argyll and Bute is easy and obvious, in a sense, but when areas such as the three Ayrshires have a common interest, how does democratic accountability work, as opposed to the police command structure?

Councillor Curran: The situation is a bit ad hoc. The other risk is that the police force will be set up in such a way that we have a regional command structure. How will that be accountable? Will it be accountable to the chief constable, who will be accountable to a national authority, or will there be regional buy-in? I am not saying that we should recreate the joint boards that we have just now, but there is certainly room for a more collective approach. The Convention of Scottish Local Authorities and individual local authorities could look at how that might best be done. That would be helpful in the next few months.

Councillor Ross: The pathfinders will be significant with regard to how the structure evolves. The crucial thing is how we harmonise the feedback from those groups so that it has a significant influence on the structures that develop as the new service and the new authority come into being on 1 April. There is a timing issue, and we must ensure that everything matches up.

Councillor Whyte: To amplify that, we need people on the new police authority who are prepared to challenge the chief constable on how he is taking into account local need, building local policing plans into the national plan and appropriately resourcing local areas to meet their own priorities.

The Convener: Jenny Marra has been very patient. I will make this the last question.

Jenny Marra: I am looking for evidence on the gender balance in the boards and authorities. Can each of you tell me quickly how many of the elected members on your police boards or authorities and fire boards are women, and how many are men?

The Convener: There are cats among pigeons—they are having to think their way through that one.

Councillor Curran: There is certainly not a gender balance. We also have substitute representatives from the councils, who tend to be slightly older, male and white. Although we have ethnic minority members in our authority, from a gender balance perspective only about a quarter—at best—of Strathclyde's board members are women.

Jenny Marra: The figure is about 25 per cent in your authority.

Councillor Curran: Yes, and that is not good.

Councillor Ross: I would echo that. The vast majority of the Northern board members are male and are probably even older than me.

Jenny Marra: Can you give numbers?

Councillor Ross: The percentage of women is probably 25 per cent or less. The same applies to the substitutes, so it varies.

Councillor Whyte: About a third of Lothian and Borders board are female.

The Convener: Councillor Grieg? Sorry—it is Councillor Greig; I have reverted again.

Councillor Greig: Grampian's figure is something similar, but I cannot remember.

The Convener: Councillor Kay?

Jenny Marra: I am sorry, convener—

The Convener: I will come back to the councillors, but let us go round them all first. Councillor Kay?

Councillor Kay: Six out of the 15 members of the Fife board are female. We never set out to make that the case—it depends on who the political parties nominate as their representatives.

Councillor Blake: Dumfries and Galloway's figure is 10 per cent.

Jenny Marra: Councillor Greig said that the board meets eight to 10 times a year, but you cannot remember. Can you be a bit more specific?

Councillor Greig: There are eight to 10 scheduled meetings, but we hold additional meetings when they are required—for example, to go over the single status agreement.

Jenny Marra: I am sorry. My point is that you meet so often, but cannot remember the proportion of female elected representatives on the board.

Councillor Greig: I am not good with maths.

Jenny Marra: Okay.

The Convener: I feel that Councillor Greig has had a bit of a hard time today, for reasons that I do not understand.

Jenny Marra: Okay. I will lay off Councillor Greig.

The Convener: I see that he is smiling. You have a lovely smile, by the way.

Councillor Greig: That is very kind.

David McLetchie: This is a Frank McAveety moment.

Jenny Marra: Given the importance of gender issues in policing and the figures on domestic abuse that Women's Aid released this weekend, is there a place in the bill for a quota that would ensure better representation and better scrutiny of those issues, particularly in policing?

The Convener: That is a serious point.

Councillor Curran: Diversity in its broadest sense is really significant. It is an area that has been flagged up as a weakness in some police boards and in policing generally. It covers a range of issues including sexuality, ethnic minorities and so on. To be accurate, I would say that the women on our board are probably its most active members, and probably the ones of whom I have been most wary in the meetings that I have chaired.

Councillor Kay: I honestly do not see it as being an issue in Fife. We have a fairly robust number of female members on the board. Whether the number could be doubled would be entirely up

to the parties. I attend all our inauguration meetings, and I would say—in fact, I gave this information out yesterday—that if we have not reached a 50 per cent split between female and male in the police force, we are very much heading that way.

Much more problematic is the fire service, which is a very different kettle of fish.

The Convener: I will let Councillor Greig have the last word.

Councillor Greig: We take equalities very seriously as a board, and we have fairly recently agreed an equalities policy. At our stewardship committee, I and my colleagues have questioned the chief constable and his representatives about the very low numbers of female police officers and police staff. That is an intractable problem: we will have to wait for a culture change to increase the number of women who are employed in police forces. It is an issue that we have complained about time and again, because the police force needs to reflect accurately the communities that it represents. There is still a long way to go.

The Convener: I am happy to say that there are quite a lot of women conveners in the Parliament—I do not see one from a police board in front of me just now, but there might be one somewhere.

I thank you all for your evidence this morning. I will suspend the meeting for 10 minutes, as the committee has a long day ahead.

11:11

Meeting suspended.

11:21

On resuming—

The Convener: I welcome to the meeting our second panel of witnesses, all of whom are from COSLA: Councillor Pat Watters, president; Councillor Barbara Grant, community safety spokesperson; Hayley Wotherspoon, policy manager; and James Fowlie, team development manager. Have I pronounced your name correctly, Mr Fowlie?

James Fowlie (Convention of Scottish Local Authorities): Yes.

The Convener: I ask simply because I have been getting my Griegs and Greigs muddled up this morning.

I thank the panel for its written submissions and know that they listened to the previous evidence. Councillor Watters, I believe that you are stepping down in May and that this might be your last appearance before a parliamentary committee.

Councillor Pat Watters (Convention of Scottish Local Authorities): I will certainly come back if I am invited. It all depends on how I am treated this morning.

The Convener: I am afraid that no one gets called on that basis. We could be really nasty to you and still call you back before us. However, as you will find, we are a very kindly committee.

Alison McInnes will ask the first question.

Alison McInnes: As you will have heard this morning, two themes are emerging from the evidence that we have taken: governance, and the interface between local authority responses in local planning and the national police plan. First, on the issue of governance, what is COSLA's view on the size of and the representation on the national board? When should those appointments be made?

Councillor Barbara Grant (Convention of Scottish Local Authorities): Having carried out a considerably long and weary examination of the issue, COSLA has come to the view that a board of either seven or 11 members is not really practical. There would not be enough people to do all the business that needs to be done. Instead, we suggest that the board should have a minimum of 15, the majority of whom should be elected members.

I think that Councillor Curran made the very valid point that elected councillors have wider interests than people who are promoted to the board simply as a result of their expertise in one or other field. They will be channelled into that particular line, while the broad spectrum of interests that councillors have will be a great help to any national board. Of course, councillors would have to consider issues from a national perspective.

The Convener: Do you have anything to add, Councillor Watters?

Councillor Watters: No. That was fine. That is our position.

Alison McInnes: It would be helpful if you could say more about the value of having elected members on the board and explain how they might be chosen.

Councillor Grant: We have suggested that COSLA put forward a list of names, which would be seen by ministers before the people in question went through the national independent selection process. Of course, those people would be from all parts of the country and would all have different interests. Councillors have very wide views on everything. My particular area is policing—indeed, Mr Pearson knows me well from my days on the Strathclyde police board—but the fact is that you do not have to be a member of a board to be

interested in what is going on in your local community. After all, it is not the minister who matters; it is the people you represent who matter and COSLA is focusing on what the service will provide for the people we represent.

Lewis Macdonald: I want to pursue with you a governance issue that I pursued with the previous panel. As far as local accountability or engagement with local policing issues is concerned, we are looking at a shift from eight police boards to 32 local authorities. In some respects, that is the appropriate level at which things should be done and decisions made. However, in other areas of policing, certain decisions and strategies go wider than that and cross local authority boundaries. Is there a governance mechanism to ensure that police decisions at a strategic but sub-national level can be made accountable to locally elected members? Could that be done through a combination of local authority police committees or would COSLA have to create some kind of regional focus to maintain a degree of democratic accountability at that tier?

Councillor Watters: It will probably require a mixture of the two approaches. Although a national board will make strategic decisions, there must be a measure of local flexibility. You mentioned accountability; unless there is something that the police are accountable for to local committees, all we will have will be wee talking shops. I am sorry, but I did not come into politics simply to meet once every six weeks and be told things that I could read anyway. As I have said, if the local commander is going to be accountable to the local committee, they must have something to be accountable for.

We welcome the proposal with regard to local commanders. I can speak only for my own area of Strathclyde, but our local commander meets the police authority every Wednesday morning. We sit down and have a coffee and a blether and anyone who wants to see him can come in and have a chat. Of course, there are more formally structured meetings in which the local commander meets the leader of the authority but, as a member of the authority, I can lift the phone any time I want to speak to him. If I want to see him on a Wednesday morning, I know exactly where he is: he is meeting my authority. We already have a mixture of both approaches.

I am not saying by any manner of means that the local committee should take all the decisions. A single force will have a strategic role, but there must be local flexibility and any committee holding the force to account must have some responsibilities to hold it to account for.

Councillor Grant: In this country, policing happens by consent of the public, not the minister.

I have to say that we are worried by the provision in the bill that the Scottish police authority

“must comply with any direction (general or specific) given by the Scottish Ministers”.

I am told that that is standard wording for quangos. It might be suitable for some quango looking after old buildings, trees or whatever, but it is simply not suitable for policing and fire services. I am concerned about the democratic deficit. We might say, “It’ll be fine if we have 32 local committees or whatever,” but how will that local business relate to what is going on at the top? Where will the local committee fit into the national board’s work? There seems to be a big gap in the middle that the bill is not addressing. Moreover, how do we decide what will happen with what we hope will be a local agreement between the local commander and the council?

11:30

Supposing the local commander has been told that he has X amount of pounds for his budget but the local committee or council wants X, Y and Z done, and the local commander says, “I don’t have a budget for that,” where do you go from there? Who is going to be the arbiter? Who is going to say whether it is the national authority or the local committee that has precedence? When you hear people saying that councils will have a bigger say and councillors will be able to engage more, you should reflect that that is not quite how it seems to be.

As a member of a local board—Strathclyde police board—I can call up my local commander and say, “Is your tasking meeting this Wednesday? I would like to come along.” I will then go along to the G division meeting and sit and listen while all the people around the table conduct their business, and I am able to raise issues and ask questions. There is no difficulty in any of that, and any of the councillors on the authority can do exactly the same.

We are told that councillors will have a better level of engagement. I am not sure that that is the case. They might have a different sort of engagement, but that might just be rubber-stamping what the local commander says. There are many questions to which we have no answers.

I am sorry if my answer was a bit long-winded.

The Convener: No, that is fine. You were on a roll.

John Finnie: I would like to follow up on that point. My background is as a former police officer and Police Federation official. In my period in Northern Constabulary, which is five years ago now, it had the greatest level of devolved resource management of any of the forces in Scotland, to

the extent that, for instance, the two constables on Barra had their own overtime budget.

Resource allocation is always an issue. What resource allocation model would COSLA favour for the new police service? You touched on the tactical tasking. We heard from Assistant Chief Constable Finlay of Northern Ireland that that would be the mechanism that would be used there to resolve any issues about allocations.

Councillor Grant: The difficulty is that we are being told that there will be no local budgets. The budgets will all come from on high.

John Finnie: That happens at the moment. Within Northern Constabulary, the budget comes from on high—from the Northern joint police board—and is devolved down.

Councillor Grant: Yes, but it comes through a different source. When you are sitting at a police board and you know that you have X amount of pounds at your disposal, that is translated by the chief constable into an allocation for all the various jobs that need to be done. However, if the board has a different idea of what is going to be done, it can shift the money around as it suits it.

John Finnie: Is that not an operational matter?

Councillor Grant: Not necessarily. It depends on how the whole plan is worked out.

John Finnie: Could you give an example of where your board has taken a contrary view to the chief constable on redirecting resources away from a plan that he or she proposes?

Councillor Grant: No. You would really need to ask Stephen Curran, who is the convener of the board.

We have budget meetings so that, when resources are going to be brought forward, the budgeting can be looked at in detail before we get to that point, and we will say what we feel is the direction in which we want to be travelling.

John Finnie: To what level do you think that resources should be devolved?

Councillor Grant: I will defer to my colleague, who is more into the money.

The Convener: Generally or specifically?

Councillor Watters: Specifically, in this instance.

We have a preference for the budgets to be devolved down to the local committee level and the commander level, so that there is some accountability to the local authority and the local committee for policing within the area.

John Finnie: Would you expect the commander to devolve money below that?

Councillor Watters: Not particularly, unless that was the way in which it was done. I would see the budget as being devolved down to the local commander, so that there is accountability to the area committee.

John Finnie: Within the structure, is a decision that is taken in the police service about how to allocate resources—for overtime, for example—not an operational matter for the chief constable, the chief superintendent, the chief inspector or the shift sergeant, rather than a local commander?

Councillor Watters: I disagree. Having budgets at the commander level and not the central level is not an operational matter but a financial governance matter that relates to how the service is operated. That is not about how policing decisions are devolved or what operational priorities are set in the police area.

John Finnie: How many budget holders would be in the model that you propose?

Councillor Watters: It would involve the divisional commanders.

John Finnie: How many of them?

Councillor Watters: How many are you proposing? If there was one in Ayrshire, there would be one in Ayrshire.

John Finnie: With the greatest respect, I am asking how many budget holders COSLA proposes.

Councillor Watters: That would involve the divisional commanders as the structure is made up.

Lewis Macdonald: I will pick up the answers to my first question from Councillor Grant and Councillor Watters. A gap between the local and national levels is recognised. Is there a risk that we will end up with polarisation between ministers saying that everything should be done centrally and the other argument, which is that everything should be done at local council level? Will you address that gap in how you relate local priorities to national priorities and local budgetary decisions to national budgetary decisions?

Councillor Grant: The problem is that we do not have enough information. There is a gap between what will happen locally and what will happen on the national board. We have had no information about whether a regional structure will be in place. We do not know any of that business and we might not know any of it until a chief constable is selected. The chief constable might make the decision or the national board might make it. We do not know about that at the moment.

The Convener: All such questions will be put to the cabinet secretary when he gives evidence next

week. I am sure that his staff are listening with great interest to what is being said.

David McLetchie: Good morning, everyone. I will follow up the discussion about budgets and accountability. I can speak only from direct experience of the City of Edinburgh Council and Lothian and Borders police board. The council provided additional funding to the board to employ additional officers who focused primarily on community policing initiatives. We can leave aside for a moment whether that is interference in an operational matter. The fact is that additional funding was provided; that might have been replicated in other local authority areas. Is the proposed funding and budgetary structure likely to sound the death knell for such additionality? A council will have no obvious incentive to put in additional funds for such a dedicated purpose.

Councillor Watters: Something between 600 and 800 additional police are on the street because authorities up and down the country have prioritised that in their communities, for whatever reason. What will happen to them after the transfer to a single force would certainly interest those authorities. We could be in danger of the officers being transferred under the Transfer of Undertakings (Protection of Employment) Regulations, which would mean that the local authority budget was transferred. Before that happened, I think that local authorities would take steps to ensure that the responsibility for funding those posts was not theirs but that of the single police force.

Councillor Grant: The 600 to 800 police are part of the big number of 17,234 police, which seems to be a fixed number. If local authorities cannot fund those extra posts, how will we get the 17,234? For example, my authority puts money towards campus cops, which have been a great boon—everybody says that they are great and asks why we do not mainstream that approach. If the local authorities, which are strapped for money, cannot provide money for, say, campus cops, that will be taken out. How will those 600 to 800 police officers be funded? Will they no longer be in the force, or is the number of 17,234 sacrosanct? If it is, and local authorities do not pay for the extra posts, who will pay for them?

David McLetchie: That is a good question that I would like to get to the bottom of. Councillor Watters referred to TUPE. If I understand your answers, the 600 to 800 additional officers will have their employment transferred to the SPA—the new police service of Scotland. There cannot be any other outcome. I therefore presume that the money that is presently paid for those 600 or 800 officers will have to go with them, or the budget will not work out. One assumes that, whether one likes it or not, the local authority

budget that presently pays for the employment of those 600 to 800 officers will have to be sliced off and added to the national police budget so that the national police force can continue to employ them. Is that correct?

Councillor Watters: You presume that, in our preparations in the run-up to our budgets for next year, we will leave that money in our budgets.

David McLetchie: That is correct, but you make the presumption that your overall level of grant will be sustained. If that issue and impasse cannot be resolved—

Councillor Watters: With respect, our agreement with the Government is that we transfer to the police the money that we receive for police. The additional 600 to 800 officers are the result of a priority being set in the local government budget to meet needs in our communities. That is not part of the money—the 49 per cent of the funding—that we get for police.

David McLetchie: I understand that the money for those officers is additional. My point is that your additional contribution is largely funded from a general grant that comes to local authorities from the Government. You say that I make certain assumptions about what you might pay out of your discretionary pot, if you like—which is funded in part by revenue support grant. Equally, if the additionality issue is not resolved, the Scottish Government might say that it has to continue to pay those additional officers when they are employed nationally and, whether we like it or not, it will have to take the money from the local government pot from which they are being paid at the moment and put it in another one. Am I missing something? That seems to me to be logical. I am not saying that that is desirable; I simply put it to you that it is likely.

The Convener: Councillor Grant does not seem to agree.

Councillor Grant: No, I do not agree, because that would mean that, with anything that local government decides to put money into from its general grant—to fund a dog catcher, for example—the Government can say that it will just take the money away. If that happened, the whole thing would become preposterous. We are talking about money from the general grant that councils have decided to spend on X, rather than on Y. That money has nothing to do with the police budget or anything like that.

David McLetchie: I agree that it has nothing to do with the police budget. My point is that the money has to come from somewhere to employ the people who will be officers in the police service of Scotland.

Councillor Watters: Yes.

David McLetchie: As that money presently comes out of a local government pot, if we are to continue to employ those officers, it must instead come out of a national pot. Therefore, it seems to me self-evident that one pot will be reduced to boost the other. I am not saying that that is desirable as a matter of principle; I am simply saying that it seems logical.

11:45

Councillor Watters: With respect, Mr McLetchie, there are two things. First, that money is given by agreement at present, on the basis of an understanding between the local authority and the chief constable. If we were to continue down that road, there would have to be discussion between the chief constable for Scotland and the local authorities about priorities, what we were paying for and what the police delivered for that money. If that were not the case, our priorities might change. We budget on a three-yearly basis but review our budgets annually and, if we decide to change our budgets, that is our responsibility.

David McLetchie: Indeed, and if the Government decided that it was not going to fund 80 per cent of your expenditure any more, that would be its responsibility.

Councillor Watters: That is true.

David McLetchie: That is my point.

Councillor Watters: It would also take legislation to do that.

David McLetchie: Could I—

The Convener: David, are you pursuing the same point or is it something separate?

David McLetchie: This gets us to whether some mechanism for local budgets needs to be included in the bill. As I understand it, that is one of the points that are made in the COSLA submission. We can have additionality only if we have a local budget against which to baseline it in the first instance.

I have a more general question on the proposition that there be local budgets. In his written evidence to us, Professor Gallagher suggested that, if there were a localised element to the budget, there should be local mechanisms for money to be taken out of the police pot and put into a budget for youth work, for example, if that was felt to be a more desirable way of reducing crime levels in a community. That would involve movement between a police pot and a council pot.

Councillor Grant: The money that the police ingather when they catch criminals and, for example, find a case full of money in the boot of a car could go to the local authority, which could decide what it wanted to spend it on. At the

moment, such money goes to the Government, which decides what it wants to spend it on. There are all sorts of things wafting around that need to be thought about.

Councillor Watters: Community safety in any community in Scotland is the responsibility of more than just the police. David McLetchie is right that there might be other ways of adding to it and driving it forward.

It is not simply about the number of police that we have on the street; other elements have to be addressed. At present, the police are involved in discussions about how we enact community safety through community planning partnerships. In any new system, they need to be fully involved in that system so that we can discuss how our communities move forward jointly to provide community safety.

The Convener: Surely your current police budgets are used for preventative spend anyway. The police do not only catch crooks or find pots of money in the boots of cars—wherever that happens—but do a lot of other stuff. Surely that is already part of the police budget.

Councillor Watters: There are good examples of how that is done. I am saying that it is not just about that budget; other parts of local authority budgets go towards community safety.

The Convener: I understand that, but some of the police budget—if we take just that little capsule—is already spent doing those other things. It is not as if it was tightly defined as simply policemen walking about the streets capturing people and taking them back to the police station. It already does all those other things and, on top of that, as I understand from your evidence, there is flexibility from other budgets because, if you make interventions in housing, you do not have housing issues, antisocial behaviour, health issues and other ancillary problems. Is that correct?

Councillor Watters: Yes.

Councillor Grant: The business of community planning partnerships is to bring together the police, the fire service and other bodies in a way that enhances all their operations. That is happening all the time and more and more. We want to ensure that it continues to happen and continues at an even higher level, because that is what makes life better for our communities. To take fire for example, there are new alarm systems in which the fire alarm is connected into the community pendant alarm. Everything is gathered together to make the whole service better.

The Convener: I understand. In my constituency and the neighbouring one, because the local authorities are coterminous with the NHS, the police and so on, there is good partnership

working to make the money go further and be more effective. I just wanted to clarify the issue about pots.

Graeme Pearson: Councillor Watters's comments about not wanting local talking shops and about the need for people to have a budget for which they are responsible chimed with my question to conveners on the previous panel, when I asked them who should be responsible for the financial picture for their local areas during the changeover to the new force and as things go forward.

I have struggled with the issue to do with the 17,234 officers, which David McLetchie mentioned. Under the current arrangements, it seems to have been difficult to maintain support staff and management numbers, and there seems to be a disconnect between the notion of employing additional police officers and its knock-on effect, which is the loss of support staff. Is that a shortcoming in the current levels of accountability, or is it something that we will always have to bear? I read a report last week that said that we have 1,000 fewer support staff in the current set-up.

Councillor Grant: The savings that have been made have been achieved through redundancies in support staff, which have happened only where the support staff were not required. In future, if the amount of money must be saved that has been suggested, and if the police and fire services have a new responsibility to pay VAT of £30 million, that money must be found from somewhere.

The civil servants tell me that the calculation has already been made and the £30 million is included. However, the money has to come from somewhere, and the obvious answer is that support staff will have to go. The Government has a policy of no compulsory redundancies, so if people do not decide to take voluntary redundancy they will transfer, and the new police authority will have to manage the situation. If the authority is to make savings of the order that is being talked about, something like 2,000 support staff will have to go.

If those support staff go because the money must be saved, the cops will have to take up the slack. We really do not want to pay police, who should be out there doing the business on the street, to sit behind a desk and pick up a phone. That does not seem sensible at all.

I do not know whether I have answered your question.

Graeme Pearson: I could ask a lot more, but let us leave the issue there.

We have touched on one devilish issue, as has been said. There are only 12 months to go before

the single force comes into operation. Are there other devilish issues that the witnesses want to bring to the committee's attention—issues on which we are not focusing? There were subtle differences in the views on the way forward of the conveners from whom we heard earlier. What issues does COSLA think that we should be paying attention to?

Councillor Watters: I am not sure that there are issues that you have not considered. Consideration must be given to appointing the chief constable as soon as possible, to give him an opportunity to think about how he will take things forward. The process could operate in a number of ways. The current police conveners could work jointly with the cabinet secretary to consider how to do it. The situation is not ideal, but we do not have long and there is a big job ahead of us.

We must be aware of other issues. To transfer from eight bodies to one body the number of staff that we will transfer, all with the same conditions of service that they have now, will cause us an ongoing problem. We must start to tackle that problem now, so that we are prepared in taking it forward. We have to be aware of some big issues that could come back and bite us.

This might not be the right time to say it, but we are 100 per cent behind ensuring—along with the Government, the Parliament and other partners—that we have the best police and fire services that we can possibly have in Scotland. We do not want to put anything down as being problematic, but a big job lies ahead of us.

Graeme Pearson: Do you envisage that the buildings will transfer over to the ownership of the new single authority, or will there have to be a capital allocation to local authorities to reimburse them for the loss of those facilities?

Councillor Watters: We are in active discussions with the cabinet secretary about that.

Councillor Grant: A huge number of issues around assets and liabilities have not been tackled. Some buildings that the police and fire services operate from are joint buildings. Over the past few years we have gone out of our way to ensure that police, fire, health and housing services are all together under one roof. Does that roof belong to the council, to the NHS or to the police? All that mess will have to be unknitted, as it were. That will take a bit of time—it will not happen in a hurry.

The sooner that we can get a chief fire officer and a chief constable in place, the better for the services. Kevin Smith can only do so much under the transitional arrangements. It will then be up to whoever becomes the chief constable. He or she may have a particular way of going about the

business that has not been thought through or considered. You cannot do these things overnight. We suggested a different way of picking somebody, because we felt that it was an important matter.

Councillor Watters: Another issue that jumps to mind is how we interact. Staff in both the police and fire services would like still to be part of their national bodies, but that will become difficult when there is a single police authority and a single fire service authority in Scotland that report directly to the Government, because the Government would be the employers of those forces. Therefore, they will not have any right to representation, or additional representation, on either the Police Negotiating Board or the National Joint Council for Local Authority Fire and Rescue Services.

Alison McInnes: Councillor Watters touched on the transitional arrangements and the Cabinet Secretary for Justice's determination to have the single service up and running on 1 April 2013. The last time that there was a major reorganisation of local government there was a full shadow year. Is there any merit in exploring that option?

Councillor Grant: There is plenty of merit in that suggestion, but it is not what we are being engineered to do. The Cabinet Secretary for Justice is fairly determined that from 1 April next year there will be a single service.

My priority is to ensure that the service is right. It does a good job now and we want it to continue to do a good job. We do not want it to fall at the first hurdle. It must continue to be good and become better. There is no point in changing something for the sake of changing it; it must be changed to make it better. When it comes to day one, we do not want to have something that appears to be falling down. The transition should be seamless. It will be quite a tricky thing to do and there is a very short timescale in which to do it, but that is what the efforts are all about.

12:00

Roderick Campbell: I touched on the boundaries between operational and non-operational matters with the previous panel, and I got the impression that that distinction was not something that would give them any problems. In your submission, you refer to the fact that "operational" is not defined. I suggest that defining operational matters might cause additional problems and that, in reality, a lack of definition has advantages.

Councillor Grant: There are advantages because, if you are not too prescriptive, you have a bit of leeway. However, by the same token, sometimes the situation can be too open. There have to be certain parameters. At the moment, the

chief constable in my area is responsible for almost half the population of Scotland. If I want to speak to him, all that I have to do is lift the phone. I do not know that I will be able to do that when there is one force and one chief constable for the whole of Scotland.

I am sure that a lot of parameters will be engineered into the business. I do not know how the chief constable will deal with the work that happens below his level. At the moment, we do not have a clue how we are going to get from a chief constable down to the local commander. There is a big gap in the middle and we have no idea how all that is going to work. It is difficult to see how the system will be prescriptive; on the other hand, it is difficult to see how it will not be prescriptive.

I am sorry if that sounds a bit vague, but we do not have sufficient information and I do not see how we will get sufficient information until we have a chief constable in place.

The Convener: How many divisional commanders are in the Strathclyde area, which, as you say, contains half Scotland's population?

Councillor Grant: I do not know. Maybe Mr Pearson has a better idea.

The Convener: I am not allowed to ask him, but he might just tell me.

My point is that Strathclyde contains half our population and is a very diverse area. People at the local level must deal with the chief constable. To some extent, does that not provide us with an operational model for what might happen when we have a single police force?

Councillor Grant: Stephen House is our chief constable, and there are various commanders. For example, in my area, G division, which covers the Pollock/Govan area, plus the East Renfrewshire Council area, has one commander; all the Ayrshires are under one commander; and A division has one commander. I am not sure how many there are altogether, but the system works well, and I am sure that it would not be a bad thing to build on that model. At the moment, however, we have no idea how it is going to pan out.

The Convener: I am just trying to say that we are not reinventing the wheel, as there is already a system that works in a large part of Scotland. While that situation is not exactly the same, it means that we are not starting from nothing.

Councillor Grant: I hope that we are not reinventing the wheel, but the problem is that we do not know what is going to happen. It will be for the future chief constable and the national board to decide what is going to happen.

I think that the Cabinet Secretary for Justice will say to the national board that this is the way he sees things going and that it is up to us to make it work. He says that he will not have direct contact with the chief constable, but he does not need to—he can just say to the board that he wants it to tell the chief constable to do X, Y and Z, and, in my understanding, it will have to follow his instructions.

Strathclyde Police does a good job in a wide, dispersed area. I hope that that good practice can be followed.

The Convener: I will bring this session to a close at this point.

Although I might be premature in doing so—he may be back with us, by invitation only—I wish Councillor Watters a happy future, whatever it might hold; I am sure that he is not retiring.

12:04

Meeting continued in private until 12:54.

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