



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

17th Meeting, 2018 (Session 5)

Tuesday 5 June 2018

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Declaration of interests:** Michelle Ballantyne will be invited to declare any relevant interests.
2. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private.
3. **Management of Offenders (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Rt Hon Lord Turnbull, and Ondine Tennant, Secretary, Scottish Sentencing Council;

and then from—

Michael Matheson, Cabinet Secretary for Justice, Neil Devlin, Bill Team Leader, Community Justice Division, Sandra Wallace, Policy Manager, Community Justice Division, Nigel Graham, Policy Officer, Criminal Justice Division, Stephen Jackson, Principal Legal Officer, Directorate for Legal Services, Craig McGuffie, Principal Legal Officer, Directorate for Legal Services, and Douglas Kerr, Solicitor, Directorate for Legal Services, Scottish Government.

4. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting held on 31 May 2018.
5. **Annual report:** The Committee will consider a draft annual report for the parliamentary year from 12 May 2017 to 11 May 2018.

Stephen Imrie
Clerk to the Justice Committee
Room T2.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 5195
Email: justicecommittee@parliament.scot

The papers for this meeting are as follows—

Agenda item 3

Paper by the clerk - Management of Offenders (Scotland) Bill J/S5/18/17/1

Private paper - Management of Offenders (Scotland) Bill J/S5/18/17/2 (P)

[Management of Offenders \(Scotland\) Bill and accompanying documents](#)

[SPICe Briefing: Management of Offenders \(Scotland\) Bill](#)

[Written submission from the Scottish Government](#)

[Supplementary written submission from the Scottish Government](#)

[Written submission from the Scottish Sentencing Council](#)

[All written submissions received on the Bill](#)

Agenda item 4

Paper by the clerk - Justice Sub-Committee on Policing J/S5/18/17/3

Agenda item 5

Private paper - draft annual report J/S5/18/17/4 (P)

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Management of Offenders (Scotland) Bill

Note by the clerk

Introduction

1. The [Management of Offenders \(Scotland\) Bill](#) was introduced on 22 February 2018. It is a Scottish Government Bill. The Bill makes provision in three discrete areas, linked by a common theme of the management of offenders:
 - electronic monitoring of offenders: drawing together various legal provisions on monitoring into a single source and making some updates to the law including extending the potential for monitoring;
 - disclosure of convictions: making substantial amendment to the Rehabilitation of Offenders Act 1974, the general approach being to reduce the requirement to disclose convictions (for instance by, in general, shortening the period during which a prior conviction must be disclosed);
 - Parole Board for Scotland: a small number of reforms concerning the membership and administration of the Board.
2. A SPICe briefing on the Bill can be accessed [here](#).
3. The Committee launched a [call for views](#) on the Bill on 16 March 2018. The deadline for responses was 20 April 2018. All written submissions received and accepted as evidence are published on the Committee's [webpage](#).

Justice Committee consideration

4. At its meeting on [24 April 2018](#), the Committee took evidence from the Scottish Government Bill Team (the group of officials responsible for assisting the Cabinet Secretary for Justice in formulating the policy and drafting of the Bill and in steering it through the Parliamentary process).
5. At its meeting on [8 May 2018](#), the Committee took evidence from two panels of witnesses. The first panel comprised representatives of Community Justice Scotland and Social Work Scotland. The second panel comprised representatives of Families Outside, Positive Prison? Positive Futures, Scottish Women's Aid and Victim Support Scotland.
6. At its meeting on [15 May 2018](#), the Committee took evidence from representatives of the Edinburgh Bar Association, Howard League Scotland, the Law Society of Scotland and the Scottish Centre for Crime and Justice Research, as well as Liz Dougan, Partner, Brazenall and Orr Solicitors.

7. At its meeting on [22 May 2018](#), the Committee took evidence from representatives of the Scottish Courts and Tribunals Service, Police Scotland, HM Chief Inspector of Prisons Scotland, followed then by the Parole Board. Written submissions from these witnesses, where available, can be accessed [here](#).
8. At its meeting on 5 June, the Committee will take evidence from Rt Hon Lord Turnbull and Ondine Tennant representing the Scottish Sentencing Council, followed by the Cabinet Secretary for Justice and his officials.
9. At future meetings in June the Committee will consider a draft Stage 1 report.

Justice Committee

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Feedback from the Justice Sub-Committee on Policing

Note by the clerk

1. The Justice Sub-Committee on Policing met on 31 May 2018 when it took evidence on Police Scotland's firearms licensing process.
2. The Sub-Committee took evidence from Superintendent Ronnie Megaughin, National Firearms and Explosives Licensing, Safer Communities, Police Scotland, and Drew Livingstone, Service Conditions Officer, Unison Police Staffs Scotland Branch.
3. In 2015 Police Scotland introduced a new model to deliver firearms licensing across Scotland.
4. In March 2018 HM Inspectorate of Constabulary in Scotland published its HMICS Local Policing Inspection of Firearms Licensing report. The report assessed the efficiency and effectiveness of the way in which Police Scotland delivers its statutory role as the licensing authority in Scotland for firearms, shotguns, and air weapons.
5. The Sub-Committee heard that whilst national standards are to be set there was recognition from Police Scotland that the 'one size fits all' approach has not worked and there is a move to enable autonomy to implement the process at a local level.
6. HMCIS found that the current practice in respect of firearms enquiries had departed significantly from what was envisaged and was inconsistently implemented. The Sub-Committee heard that police officers are undertaking the role of firearms enquiry officers on a full-time basis, despite this not being the intention in the business case agreed by the Scottish Police Authority. This was a role that had previously been undertaken by police staff.
7. Police Scotland is currently undertaking a review of the licensing process to enable it to fulfil the Inspectorate's recommendations. To enable local flexibility the Sub-Committee heard that police staff and officers could both undertake the role of firearms enquiry officers going forward.
8. HMICS is to review Police Scotland's plans to address the recommendations in its report in due course.
9. The Sub-Committee also considered its forward work programme and agreed to schedule an evidence sessions on 21 June on Police Scotland's digital, data and ICT strategy.