

JUSTICE 1 COMMITTEE

Wednesday 4 February 2004
(Morning)

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2004.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Wednesday 4 February 2004

Col.

| | |
|---|-----|
| BUDGET PROCESS 2005-06 | 535 |
| VISIT (HM YOUNG OFFENDERS INSTITUTION POLMONT) | 537 |
| CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) BILL | 539 |

JUSTICE 1 COMMITTEE

5th Meeting 2004, Session 2

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

Mr Stewart Maxwell (West of Scotland) (SNP)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Marlyn Glen (North East Scotland) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*Margaret Mitchell (Central Scotland) (Con)

*Margaret Smith (Edinburgh West) (LD)

*attended

COMMITTEE SUBSTITUTES

Roseanna Cunningham (Perth) (SNP)

Helen Eadie (Dunfermline East) (Lab)

Miss Annabel Goldie (West of Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

CLERK TO THE COMMITTEE

Alison Walker

SENIOR ASSISTANT CLERK

Claire Menzies Smith

ASSISTANT CLERK

Douglas Thornton

LOCATION

Committee Room 3

Scottish Parliament

Justice 1 Committee

Wednesday 4 February 2004

(Morning)

[THE CONVENER *opened the meeting at 10:03*]

Budget Process 2005-06

The Convener (Pauline McNeill): Good morning everyone, and welcome to the 5th meeting in 2004 of the Justice 1 Committee. I ask everyone to switch off their mobile phones. We have to switch them off completely, rather than just put them on silent mode, as they interfere with the sound system. We have received apologies from Stewart Maxwell, who will not be with us this morning. I think that he might be promoting his member's bill somewhere.

Item 1 is on the budget process for 2005-06—it is that time of year again. Members can probably hardly believe it, as it feels like we have only just completed the previous budget process. I need to invite the committee to seek approval from the Parliamentary Bureau if we wish to meet jointly with the Justice 2 Committee to consider the Executive's budget proposals. We also need to decide whether to appoint an adviser.

On the first question, is the committee content to continue the practice of meeting jointly with the Justice 2 Committee to consider the budget process?

Members indicated agreement.

The Convener: The second question is whether we appoint an adviser to assist us in our scrutiny of the Executive's budget proposals. Members might wish to consider appointing a standing adviser, who would be available for the duration of the parliamentary session.

Michael Matheson (Central Scotland) (SNP): Would a standing adviser be able to advise us on various financial matters in the course of the year, such as items in the justice budget that were brought to our attention or announcements that were made? Could such an adviser provide advice for us on the financial aspects of an inquiry?

The Convener: If we appointed a standing adviser, it would be for the duration of the budget process. The start and finish times of the appointment would therefore stretch over a few months. There is nothing to prevent a committee from appointing a standing adviser on any matter.

We might, in future, wish to consider having an adviser on justice issues in general. In this instance, we are seeking to establish some continuity around the budget process. We have had that in the past, with Brian Main as our adviser this year and the previous year. Having been involved in both those budget processes, I can see the advantage of having such continuity. However, we would not be able to get the advice of that person for general financial matters that lie outside the budget process.

Michael Matheson: I would be supportive of having a standing adviser for the purposes of continuity. I have found that helpful over the past couple of years.

The Convener: Does anyone dissent from that view?

Members indicated disagreement.

The Convener: In that case, we will return to the matter in the usual way with some suggestions for whom to appoint, on which the committee can make its decision.

Visit (HM Young Offenders Institution Polmont)

10:07

The Convener: Item 2 is on the visit that was made to HM Young Offenders Institution Polmont. A number of members had the opportunity to visit HM YOI Polmont, and I invite Marlyn Glen and Margaret Smith to say a few words about the visit.

Marlyn Glen (North East Scotland) (Lab): As always, the visit was very interesting, but there were a number of differences with the previous occasion. Members of the visitors committee were present, and it was helpful to be able to talk to them. It was interesting to note that the term "YO" for young offenders changes to "YA", as they are called young adults within the institution.

A major concern is about the transitions into and out of Polmont, and in particular about young people—aged 16 and under—coming to Polmont from secure units, sometimes overnight and without much preparation. It seemed that that needed to be looked into.

We were looking at one of the new blocks, the design of which is going to be copied. It was pointed out that if there were individual showers in the cells that would make a huge difference to the day-to-day running of the establishment, although it would not make that big a difference to the design. I felt it important to highlight that in the context of running costs and other cost implications.

Margaret Smith (Edinburgh West) (LD): Quite a lot of changes were going on at Polmont, which is now the only young offenders institution in the country. There has been quite a large influx of people from elsewhere. On the face of it, the staff at Polmont have coped with that quite well. There has also been the new build block—Iona hall, I think—which, as Marlyn Glen said, is to be a model for elsewhere. Two points came up in that respect. First, Stewart Maxwell made a point about whether one would be able to fight a fire in a particular cell, using the hole in the door. He questioned whether the design was as good as it could be in that respect.

The second point, which was mentioned by Marlyn Glen, was raised by one of the senior prison officers. He said that a large amount of prison officers' time is taken up supervising people going into and out of what is a very small number of showers given the number of people who are housed in the block. Using exactly the same amount of space in the cells, it would be possible for people to have their own showers, which are obviously needed following physical education and

recreation. It is worth ensuring that that message gets passed to the Scottish Prison Service. If something can be done in the future to improve the design of cells, that could save a lot of staff time.

I was impressed by the anti-sectarianism work that was being done in the education centre. Our colleagues, Mr Canavan and Mr Gorrie, had already been to Polmont to see that work. The staff had managed to force Rangers fans to sit down and watch Celtic videos, and vice versa. That involved young men who had had serious problems in that respect. It was interesting to see that work.

As one of the senior officers said, people felt that a lot of questions could be asked about secure units and that the secure accommodation in which many of the young people had been held prior to coming to Polmont could do with a little more scrutiny than had been the case in the past. Although they were not specific about it, officers commented that scrutiny seemed constantly to be falling on the Prison Service, which is further on in the process. We heard that there were some issues regarding the transition and handover of young people from secure accommodation and regarding what is being done in secure accommodation.

I would like to put on record our thanks to the staff for their time—and for our very nice lunch. I sat beside a couple of young men who were coming to the end of their term in Polmont. It was very interesting to hear what they had to say, and I would like to thank them in particular for their time.

The Convener: I thank Marlyn Glen and Margaret Smith for giving us that on-the-spot report. It is our normal practice to send a letter of thanks. We will ensure that that is done on behalf of the members who took part in the visit.

Criminal Procedure (Amendment) (Scotland) Bill

10:13

The Convener: Just before I move on to item 3, which we have agreed to take in private as it is to consider our draft stage 1 report on the Criminal Procedure (Amendment) (Scotland) Bill, I draw to members' attention an article that appeared in *The Herald* on 2 February, which they might have read. The article purports to be a leak of our draft report, which members had hardly seen until Monday afternoon. It is a pretty inaccurate leak, because it states, for instance:

"The proposal for trial in the absence of the accused will be dropped. The report will make the point that five years in jail is a long time."

I will say no more about that on the record, given that our report is still a private document, but I thought that I should draw the article to members' attention. We have never resolved in the Parliament the matter of reports being leaked, which happens frequently. I understand that the Justice 2 Committee's draft stage 1 report as a secondary committee on the Antisocial Behaviour etc (Scotland) Bill was also purported to be leaked at the weekend.

It is open to members to consider whether they wish to refer the matter to the Standards Committee. You might wish to do nothing at all, but I am giving you the opportunity to recommend any action that you think should be taken. Alternatively, we can simply note the purported leak.

Michael Matheson: I did not see the article, but I noticed last week that there was an article in *The Scotsman* purporting to be a leak of another committee report. It is a bit strange that we can have a leak of a report that has not been completed. My experience with leaks is that we have referred them to the Standards Committee, which comes back and says that journalists will not tell it who their sources are so there is nothing that it can do to take the matter further. It is clearly a problem across the committees.

The Convener: I agree with Michael Matheson that we have been unable to take action, because unless we can identify the source there is little that we can do, other than become frustrated at continual attempts to out parliamentary reports before they are published. If we got the same coverage for the report that we got for the leak, I might not mind so much. Members can consider the matter and come back to me; they do not have to make a decision today.

10:15

Margaret Smith: When I was the convener of the Health and Community Care Committee, we had a series of leaks. It was very annoying and although we tried to take action on a couple of occasions, the problem was trying to find the evidence and then doing something about it. The big hurdle is finding out who has leaked the report—whether a committee member or anybody else. I am in the dark as to what the sanction is for a committee member who is found to have leaked a draft report, but it should be severe. Drafting reports is an on-going process, and we hold meetings in private to allow members to discuss and tease out issues. We change our minds occasionally as we go through the process. It is unfortunate to have reports leaked before they are published.

The Convener: If a member of the Parliament has revealed the content of a report before it has been published, that constitutes a breach of section 9.4 of the code of conduct for members of the Scottish Parliament. That is an issue for the Standards Committee. We have to consider the possibility that there has been no leak, but perhaps issues have been picked up on in conversations with members of the press who have then tried to piece information together. The article is a clever attempt to suggest that the journalist has seen the report, but, without giving too much away, I would not regard it as a direct leak. I am not suggesting that any member of the committee has divulged directly the contents of the report. That would have been difficult, given that they saw the draft report, which we are going to discuss later, only on Monday afternoon.

I will leave members to think about the matter. I do not think that anyone is suggesting at this stage that we refer the situation to the Standards Committee. Members might wish to consider whether they want me, as convener, to write to the Presiding Officer to make him aware that there has been another purported leak and to say that we feel that no avenues are open to us to vent our frustrations about it.

Michael Matheson: Given that there seems to be a similar problem across the committees—the Justice 2 Committee's report to the Communities Committee was leaked last week—I suggest raising the matter in the Conveners Group to see whether conveners of other committees think that there is a need to consider the issue and possibly have the Standards Committee consider how it can address the problem more effectively.

The Convener: I would be happy to bring the matter to the attention of the Conveners Group or the Presiding Officer, even if we are not asking them to take specific action on the purported leak. I am happy at least to make other conveners

aware of the matter, as they probably share our frustrations. Is that agreed?

Members *indicated agreement.*

The Convener: We now move into private session for the purposes of discussing our draft stage 1 report on the Criminal Procedure (Amendment) (Scotland) Bill.

10:19

Meeting continued in private until 13:59.

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

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Thursday 12 February 2004

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

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

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

RNID TYPETALK calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers