JUSTICE 1 COMMITTEE AND JUSTICE 2 COMMITTEE

JOINT MEETING

AGENDA

Justice 1 Committee
19th Meeting, 2004 (Session 2)
Justice 2 Committee
18th Meeting, 2004 (Session 2)

Tuesday 11 May 2004

The Committees will meet at 2.00 pm in Committee Room 2.

1. **Budget process 2005-06 (in private):** The Committees will consider a draft report.

---

Alison Walker
Clerk to the Justice 1 Committee
Tel: 0131 348 5195

Gillian Baxendine / Lynn Tullis
Clerks to the Justice 2 Committee
Tel: 0131 348 5054
The following papers are enclosed for this meeting:

Item 2 – Budget process 2005-06

Draft Report (PRIVATE PAPER – MEMBERS ONLY) J1/S2/04/19/1
(to follow) J2/S2/04/18/1
Additional written submission from the Procurators Fiscal Society J1/S2/04/19/2
J2/S2/04/18/2

Forthcoming Joint Meetings:
TBC
The Procurators Fiscal Society welcomed the opportunity to give evidence to the Committees to assist their consideration of the impact of the 2005-2006 budget on COPFS particularly in the light of the decision to extend the Sheriffs’ sentencing powers to 5 years from 1 May 2004 and the possible impact of the reforms contained within the McInnes report on summary business in the Scottish Courts.

The Committees were keen to know if we could indicate if the changes already effected within COPFS were bringing benefits to our members. As we stated in evidence the picture we have is one of Deputes working under the same pressure, indeed some report that things are worse than before since they have increasing workloads and the continual pressure of change, which carries on within the organisation. Some report to us that internal change has improved their lot but our feeling is that the vast majority still feel overworked and stressed.

We are pleased to note that the Lord Advocate was able to report to Parliament in terms of the Annual Evaluation Report that COPFS has met one of its key targets and and is on track to meet the other 10 within the appropriate period. The picture that this represents is one of our members working hard against a background of continual drive to deliver an effective prosecution system. This aim is laudable but we must sound a note of caution-with the likelihood of reform in the justice system at all levels in the shape of Bonomy and McInnes the brunt of delivering these reforms will fall on COPFS and without extra resources the common goal of a speedy effective system in which the public can have confidence will not be achieved. This is not the cry of a small minority resistant to change but a realistic assessment of the position.

It is difficult for us to gauge the extra resources, which the extension of the Sheriffs’ sentencing powers will require. We have been advised that there is likely to be an increase of 7% in business in the Sheriff and Jury courts. This will mean our members are in court for longer periods. This is in itself not a hardship but there will still be a pressure to prepare the serious cases and there will be less time to do that. COPFS has introduced an abbreviated format for the preparation of these cases and in the area where this format was first used results were encouraging, but we remain to be convinced that this system can prevent extra pressure on our members who will have less time to prepare what will be increasingly serious Sheriff and Jury cases.
We welcome the comprehensive Report by Sheriff Principal McInnes into the workings of the summary criminal courts and look forward to taking part in the consultation process. The Report is a basis for broad change within the system and some of the proposals if implemented will impact on COPFS. It is our view that this package of measures could deliver the type of summary justice system to which the public are entitled but this comes at a price. For us the price is further investment in COPFS to assist our members to deliver.

V Bremner, J Caldwell
On behalf of the Procurators Fiscal Society
I attach the following papers:

**Agenda item 1**

Correspondence from CACFOA

J1/S2/04/19/3

J1/S2/04/18/3

11 May 2004

Tony Reilly
Ms Anne Peat  
Senior Assistant Clerk to the Justice 2 Committee  
The Scottish Parliament  
Committee Office  
EDINBURGH  
EH99 1SP

Dear Ms Peat

RE: FIRE SERVICE BUDGET 2005/06

Further to my letter of 16 April 2004 regarding the above I can confirm that, following the provision of additional information from the Scottish Executive in relation to monies included in GAE for Fire Service Pensions and revised calculations supplied by Fire Brigades across Scotland in relation to their anticipated Pensions costs for 2005/06, I would make the following revised comments in relation to the Fire Service Budget 2005/06.

i) Fire Central Government Provision – these comments remain unchanged.

ii) Figures now supplied indicate that the Pensions element within GAE for both 2004/05 and 2005/06 are sufficient to meet the anticipated needs of the service.

However, in the case of both staff costs and running costs, GAE falls short of that required by the service. This is due, in the main, to a zero percentage increase in Running Costs GAE from that contained in 2002/03 and a 0.76% increase in Staff Costs GAE in 2003/04 compared to an increase in fire-fighters pay of 4%.

Overall, this leaves GAE some £5.9m short of the service requirement in 2004/05 and £5.4m less than service needs in 2005/06.

In addition to the £5.4m shortfall in 2005/06, the issue of transitional funding for the fire-fighters pay agreement 2003 is still the subject of discussion between the service and the Executive. The bid made in relation to this agreement was £18m.
iii) Given the above, an increase of 10% in funding, i.e. £26.2m would be more than sufficient to meet the needs of the service. However, a reduction of 10% would undoubtedly have a detrimental impact on our ability to deliver our core functions.

I trust the above comments provide the further clarification sought. However, do not hesitate to contact me if further information or explanation is required.

Eileen Baird
Chair CACFOA Finance and Resources Committee

cc Firemaster J. Williams, Chair CACFOA (Scotland)
Firemaster B. Murray, Secretary CACFOA (Scotland)