



**Northern Ireland
Assembly**

**ASSEMBLY AND EXECUTIVE
REVIEW COMMITTEE**

**OFFICIAL REPORT
(Hansard)**

**Devolution of Policing and Justice
Matters**

8 December 2009

NORTHERN IRELAND ASSEMBLY

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REVIEW COMMITTEE**

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Members present for all or part of the proceedings:

Mr Jimmy Spratt (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Attwood
Mr Dodds
Mr Hamilton
Mr Kennedy
Mr McFarland
Mr A Maskey
Mr O'Dowd

The Chairperson (Mr Spratt):

Incoming correspondence includes a letter from John Larkin QC, which was received after the last Tuesday's Committee meeting. In the letter, Mr Larkin declines the Committee's original invitation for a meeting. Discussions took place on that matter, which I ask the Committee Clerk to clarify.

The Committee Clerk:

Last week, the Committee received an indication that Mr Larkin was planning to write to decline the Committee's invitation for a meeting. I was asked to get in touch with him and put to him a different proposition for a meeting in either an informal or closed session.

Although I did not get to speak to John Larkin directly, I conveyed the message, which I

understand he received, that the Committee would be willing to meet him in an informal or closed session. I said that the Committee was less interested in a discussion with him about the architecture of the attorney general's office, and was rather more interested in a discussion on the role of the attorney general and his or her relationship with the various elements of the justice sector, the justice Minister, the justice Committee and the Assembly. I also said that any discussion that the Committee might hold with Mr Larkin would be in parallel with its engagement with the First Minister and the deputy First Minister on the role of the attorney general, and the relationships that I have just mentioned. I received a further letter from Mr Larkin yesterday afternoon, which is now being distributed to members.

The Chairperson:

The letter simply reiterates the position that Mr Larkin set out in his original correspondence. Do members have any comments?

Mr Attwood:

The First Minister and deputy First Minister have not replied to the Committee's request to share the report.

The Chairperson:

They have not yet replied.

Mr Attwood:

When did we last ask them to share the report with us?

The Chairperson:

Last week.

The Committee Clerk:

The letter was sent last week.

Mr Attwood:

In the two or three weeks before that, was there any correspondence from them on the matter?

The Committee Clerk:

There was no explicit correspondence. There was a reference to it during a closed session in which they gave a commitment to come back to the Committee at some stage in the future to discuss the role of the attorney general and the category 2 list of issues. That was on 10 November 2009.

Mr Attwood:

I have two issues. John Larkin relies on what is or what is not transpiring in OFMDFM as one of the reasons why he cannot come before the Committee at present.

That report has been with OFMDFM since September, so presumably it has been with them for three months or more. As we know from last week's meeting, the conclusions of that report have entered the financial planning process through OFMDFM in the quarterly returns, with a £1.6 million budget line and £500,000 set-up costs. I know that this issue is tangled up with all the other matters, but it seems to me that, without prejudice, OFMDFM should have been in a position to release the document.

The document concerns the role of the office and the architecture around it, as far as I can conclude from what people have been saying. I do not understand why that document cannot be shared. Knowing what it says does not commit anyone to anything. We are being frustrated from doing our job. Whatever the politics may be in respect of the devolution of justice, we are being frustrated from making the appropriate arrangements, which is part of our mandate. I am exasperated. The document could have been released, subject to what I am about to say, without prejudice. We have a duty to try to move these matters forward.

In respect of Mr Larkin's letter, we have to rely on what he says: that he finds it difficult to talk to the Committee in respect of the functions of the attorney general because those matters are all subject to the agreement of the First Minister and deputy First Minister. I do not see why the person who will become attorney general should not have a conversation with us as well. Whatever about the relationship of the report to OFMDFM, I do not understand why that conversation cannot be held with us as well. There may be areas that he must say are matters for future agreement, but having the conversation with him in respect of the relationships with PPS, the justice Minister and the Assembly seems to me to be sensible business for us. Some of those matters may be yet to be agreed, but giving his view, without committing anyone else to that

view, and conversing about matters that might not be in the report anyway seems to be a small step in moving matters forward.

Mr McFarland:

I admire Alex. He keeps going down the same road and hoping that he will reach a different destination. We keep hoping that the situation will change and that everyone will become involved. However, the reality is that Sinn Féin and the DUP will discuss these matters with Mr Larkin, eventually, and then tell us what they have decided. After two years of pleading for them to involve everyone in this discussion we can hope for a different outcome, but my guess is that the Committee will not get any more indulgence than OFMDFM has shown until now. We must simply wait and see what they are going to do, however wrong that may be.

Mr Dodds:

The letter from John Larkin indicates that he is willing to brief the Committee. However, it is inevitable that, if he comes along without having had a response to some of his questions from the responsible Ministers, many of his answers will not be meaningful. He refers to a “meaningful” discussion. He could have a discussion with the Committee, but how meaningful it would be at this stage, I do not know.

It is up to the Ministers in OFMDFM to decide their views, to make their decisions, and then to communicate that. That is the natural way of it. However, I assure Alan that all parties will be clearly involved in the decisions that have to be made. They will not be able to dodge that.

The Chairperson:

We have written to OFMDFM regarding the report. That happened only last week, and we have not received a reply yet. The letter probably only arrived a few days ago. However, it is with OFMDFM at the minute, and we await a reply. Are Members content to note that?

Members indicated assent.

The Chairperson:

We have received other correspondence, including a letter from Brendan Garland, the chief executive of the Bar Council, asking for a meeting. A letter of reply was sent on 26 October. Those letters obviously crossed paths. The Committee has declined that offer because it is not

within our remit to discuss legal aid because it is not a devolved matter.

Mr McFarland:

Before you leave that matter, Chairman, can I confirm that the sequence of events is that he wrote to us on 13 October, you replied on 26 October, he wrote again on 26 November, but we have not replied to that letter yet?

The Chairperson:

No, we have not. However, I have spoken to Brendan Garland to explain that a reply — one that he was not aware of — was sent in October. He now understands the position.

Mr McFarland:

I see — he did not receive the letter of 26 October.

The Chairperson:

That is correct. There is a letter from the First Minister and deputy First Minister to all MLAs, requesting nominations for the position of justice Minister. Are Members content to note that?

Members indicated assent.

The Chairperson:

There is a letter from the Secretary of State regarding Lord Ashdown's strategic review of parading. If there are no issues in relation to that letter, are members happy to note it?

Members indicated assent.

The Chairperson:

We move to the devolution of policing and justice. I declare an interest as a member of the Northern Ireland Policing Board.

Mr Attwood:

I am a member of the Policing Board.

Mr A Maskey:

I am a member of the Policing Board.

The Chairperson:

Before we move to the category 2 list, I ask members if there has been any movement on those matters.

Mr A Maskey:

Nothing further, Chairman.

Mr Hamilton:

Nothing further.

Mr McFarland:

Nothing further.

Mr Attwood:

In the letter from the Secretary of State, did he say that it was the intention of the British Government to fund the Ashdown proposals? He previously said that the British Government have agreed to fund that, and that he believed that Ashdown would provide a steer on a way forward. However, I cannot recall whether that reference was in respect of the interim report or in respect of the final report. As we know from Lord Ashdown's letter of two weeks ago, there is now an agreed final report, which he hopes to make available in due course. I am just trying to reconcile the latest letter from the Secretary of State with the previous one.

The Committee Clerk:

I cannot answer that immediately; I will need to check that.

The Chairperson:

We will come back to that issue once the Committee Clerk has checked the relevant correspondence. We have moved to the category 2 list of issues.

Mr A Maskey:

Mr Attwood relied heavily on that letter during recent debates in the Assembly, so if he checked

his remarks in the Hansard reports, he might find the answer.

Mr Attwood:

I know precisely what I said about the Ashdown review during the debates on the justice Bill. However, I am trying to determine whether the latest letter, which refers to seeking “widespread community support” for the Ashdown proposals in the event that he produces a final report, is consistent with the previous letter. That is a simple question.

The Committee Clerk:

There has been substantial correspondence, and I genuinely cannot recall, off the top of my head, whether that is the case. I will try to get a copy of the letter to which you are referring.

The Chairperson:

We will come back to that in due course.

Mr Attwood:

The penultimate paragraph of the Secretary of State’s letter refers to seeing whether the Ashdown strategic review is a “long-term and sustainable” way of dealing with the parading disputes. That is the language that he uses.

The Chairperson:

We will come back to that. I think that we are only guessing at the moment.

The Committee Clerk:

There are letters dated 3 and 5 November, but I do not have all of that correspondence with me.

The Chairperson:

We will come back to that. I take it that no other members wish to raise any other issues about that letter — we had moved to the category 2 list of issues. Mr Attwood, do you wish to add anything on that matter?

Mr Attwood:

No; nothing further.