



## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 10 OCTOBER 2013  
Room 30, Parliament Buildings

- Present: Mr Paul Givan MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Sydney Anderson MLA  
Mr Stewart Dickson MLA  
Mr Tom Elliott MLA  
Mr Seán Lynch MLA  
Mr Alban Maginness MLA  
Ms Rosaleen McCorley MLA  
Mr Patsy McGlone MLA  
Mr Jim Wells MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Ms Marie Austin (Assistant Assembly Clerk)  
Mrs Julie Devlin (Clerical Supervisor)  
Miss Marianne Doherty (Clerical Officer)
- Apologies: Mr William Humphrey MLA

*The Committee agreed to meet in closed session to consider item 1 under Matters Arising.*

*The meeting commenced at 2.07 p.m. in closed session.*

#### **1. Matters Arising**

- i. The Committee discussed a response from an organisation in relation to the investigation into the sexual exploitation of children and young people from care homes.

*Agreed:* The Committee agreed to seek legal advice on the options available to it to pursue the matter further.

*The meeting moved into public session at 2.10 p.m.*

## **2. Apologies**

Apologies are listed above.

## **3. Draft minutes of the meeting held on 3 October 2013**

The Committee approved the draft minutes of the meeting held on 3 October 2013 *as amended*.

## **4. Matters Arising (continued)**

- ii. The Committee considered the programme for the Committee for Justice visit to the European Court of Human Rights in Strasbourg and the European Court of Justice in Luxembourg from 22 to 25 October and noted that it included a meeting with the three Northern Ireland MEPs and a briefing with officials from the Northern Ireland Executive Office on EU priorities and justice-related issues.

## **5. Department of Justice Update on Financial Spend and Outputs**

Mr Glyn Capper, Deputy Director of Finance, Ms Moira Doherty, Deputy Director, Strategy, Innovation and Research Division and Ms Lisa Rocks, Head of Financial Planning and Budgeting, Department of Justice joined the meeting at 2.11 p.m.

Mr Capper briefly outlined the Department of Justice financial spend and outputs.

A detailed question and answer session followed covering issues including: the discussions that have taken place between the PSNI and the Department regarding funding for the required level of police officers as set out in the recent Review of Resilience and Capability; whether all work to date on the Desertcreat capital project had been paid for; the progress that has been made to complete the Prison Service Exit Scheme and the funding still required; the reasons for the high PSNI accommodation, telecommunications and miscellaneous costs; the final justice related costs associated with the G8 summit; the budget for Ministerial and Special Adviser salaries; the availability of funding for an Environmental Allowance for all prison officers; the Department's role in relation to the policing budget and the re-profiling of it; the status of the Police Rehabilitation and Retraining Trust and who is responsible for its funding; the level of benefits in kind paid to the Director of the Prison Service; and the steps being taken to accurately forecast the budget for legal aid.

The departmental officials agreed to provide further information on a range of issues.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

*Agreed:* The Committee agreed that the Clerk should explore with Assembly Research the level and type of information that would be useful when undertaking budget scrutiny in the future.

## **6. Review of the Criteria for the Appointment of the Chief Constable of the PSNI**

Ms Louise Warde Hunter, Deputy Director, Ms Lorraine Montgomery and Mr Walter Myles, Policing, Policy and Strategy Division, Department of Justice joined the meeting at 2.36 p.m.

*2.40 p.m. Mr Tom Elliott joined the meeting.*

Ms Warde Hunter outlined the key issues in relation to the Minister's review of the criteria for the Appointment of the Chief Constable of the PSNI.

A detailed question and answer session followed covering issues including: the differing approaches and views in relation to the requirement for two years experience in a different jurisdiction; whether the criteria to be met has resulted in a limited pool of applicants; the number of people from Northern Ireland who have applied for the post in the past; whether the criteria will be subject to an Equality Impact Assessment; whether the current criteria has a particular impact on women; whether there were particular barriers for current Northern Ireland employees; the number of police officers from Northern Ireland who apply to work in other jurisdictions; the number of Assistant Chief Constables in the PSNI; the current criteria in the context of the Patton recommendations; the validity of the assumption that candidates would be better if they had completed two years experience elsewhere; the calibre of previous Chief Constables; and whether the criteria for the Appointment of the Chief Constable of the PSNI would be subject to a public consultation.

The departmental officials agreed to provide further information on a range of issues.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

Some Members outlined their position in relation to the criteria for appointment while others indicated that they wished to consider the matter further.

## **7. Update on the Department of Justice Legislative Programme**

The Committee considered an update on the Department of Justice future primary and subordinate legislative programme.

The Committee raised concerns regarding the revised timeframe for the introduction of the Mental Capacity Bill and noted that a written update on the Bill was due in November when further consideration would be given to the matter.

*Agreed:* The Committee agreed that the Department of Justice should provide an update on its legislative programme twice a year.

## **8. SL1: Unduly Lenient Sentencing for Excise Evasion Relating to Fuel and Tobacco**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to enable the Director of Public Prosecutions to refer a sentence for excise evasion offences in relation to fuel and tobacco to the Court of Appeal on the grounds that it is unduly lenient.

*Agreed:* The Committee agreed that it was content with the proposed Statutory Rule.

## **9. Update on Progress on the Introduction of Technological Alternatives to Full Body Searching in NI Prisons**

The Committee noted an update on progress on the NI Prison Service Justification Application on the possible use of transmission X-ray full body scanners in prisons.

*Agreed:* The Committee agreed to request regular updates on developments in relation to obtaining the licence including information when the Secretary of State for Justice writes to the Minister of Justice on the way forward.

## **10. Correspondence**

- i. The Committee noted correspondence from the Minister of Justice advising that the National Crime Agency came into operation on 7 October 2013 but would not be able to operate in Northern Ireland in the transferred field as Northern Ireland had not reached agreement on a Legislative Consent Motion.
- ii. The committee noted a copy of a response from the Minister of Justice to a Mr Fox regarding false allegations and malicious prosecutions.
- iii. The Committee noted a copy of a response from the Department of Justice to the Committee for the Office of the First Minister and deputy First Minister regarding the NI Judicial Appointments Ombudsman provisions which are to be included within the Northern Ireland Public Services Ombudsman Bill.
- iv. The Committee noted a copy of a response from the Minister of Justice to an individual regarding the treatment of his son and family by the criminal justice system.
- v. The Committee noted correspondence from Lisburn City Council outlining a resolution agreed by the Council in support of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.
- vi. The Committee considered correspondence from a B Brewster highlighting concerns about the actions of child protection social workers and the lack of criminal prosecutions.

*Agreed:* The Committee agreed to forward a copy of the correspondence to the PSNI and the Department of Health, Social Services and Public Safety requesting that they respond directly to the issues raised and provide a copy of the responses to the Committee.

- vii. The Committee noted correspondence from the Probation Board for Northern Ireland providing a copy of 'Postcards to Me', a collection of real stories from women offenders showing the use of the process of storytelling as a means of self-evaluation and personal growth.
- viii. The Committee noted an invitation to a conference entitled 'The Prison Review: Two Years On' on Wednesday 23 October 2013.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wished to attend the conference.

- ix. The Committee noted correspondence from a Professor of International Law and Human Rights, Keele University to participate in workshops with Members of the Scottish Parliament to discuss issues relating to organised crime in the context of devolution.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wished, in principle, to participate in the workshops.

- x. The Committee noted an invitation from Queen's University to the Stephen Livingstone Lecture 2013 'Intelligence sharing and human rights violations: a challenge for the rule of Law' on Thursday 7 November 2013.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wished to attend the lecture.

- xi. The Committee noted an invitation from the Director of Public Prosecutions for Northern Ireland to the launch of the 'PPS Policy for Prosecuting Cases of Human Trafficking' on Tuesday 15 October 2013.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wished to attend the launch.

- xii. The Committee noted correspondence from the Minister of Justice advising that he would make his oral statement to the Assembly on the Second Anniversary of the Owers Report on Prison Reform on Monday 21 October 2013 instead of Tuesday 22 October.

- xiii. The Committee considered the Criminal Justice Inspectorate Report on a Follow-up Review on how the criminal justice system works to address sexual violence and abuse.

*Agreed:* The Committee agreed to discuss the report with the Criminal Justice Inspector when he next attends a Committee meeting.

- xiv. The Committee noted an invitation from the UK Office of the European Parliament to an event on Friday 18th October to mark 40 years of EU membership.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wished to attend the event.

## **11. Chairman's Business**

- i. The Chairman advised Members that he had met the Rt Hon Keith Vaz MP, Chairman of the Home Affairs Committee in Westminster, when he visited Northern Ireland last week. Mr Vaz had indicated that his Committee was conducting an inquiry into the proposals to opt-out of certain European Union Justice and Home Affairs Measures and would welcome the views of the Justice Committee on the implications of an opt-out from the European Arrest Warrant on extraditions from the Republic of Ireland.

*Agreed:* The Committee agreed to send a copy of its letter to the Home Secretary regarding implications for Northern Ireland of the decision to exercise the 2014 opt-out decision to the Chairman of the Home Affairs Committee, Mr Keith Vaz MP, for information and consideration.

- ii. The Chairman advised Members that he had recently attended an Action Mental Health event on behalf of the Committee where the lack of accreditation and certificates for courses delivered by Action Mental Health in Maghaberry Prison due to a lack of funding was raised.

*Agreed:* The Committee agreed to write to the Department of Justice regarding the issue and how it could be satisfactorily resolved.

- iii. The Chairman advised Members that he had received correspondence from Mrs Diane Dodds MEP regarding an inconsistency within the legislative framework governing the payment of RUC and PSNI widows pensions in relation to the payment of pension entitlement in the event the recipient remarries and difficulties she has had in determining where responsibility for the legislation rests.

*Agreed:* The Committee agreed to write to the Attorney General for Northern Ireland to seek clarification on where the legal authority for this issue rests.

## **12. Any Other Business**

The recent Northern Ireland Audit Office report on the collection of fines was raised.

*Agreed:* The Committee agreed to seek information on how the issues highlighted in the report will be addressed.

## **13. Date, Time and Place of next meeting**

The next meeting will take place on Thursday 17 October 2013 at 2.00 p.m. in Room 30 Parliament Buildings.

*The meeting was adjourned at 3.25 p.m.*

Mr Paul Givan MLA  
Chairman, Committee for Justice

17 October 2013