



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 18 JUNE 2014
Room 21, 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 William Humphrey MLA
Mr Seán Lynch MLA
Ms Rosaleen McCorley MLA
Mr Patsy McGlone MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
- Apologies: None

The meeting commenced at 2.05 p.m. in public session.

The Deputy Chairman, Mr Raymond McCartney in the Chair.

1. Apologies

None.

2. Draft minutes of the meeting held on 11 June 2014

The Committee approved the draft minutes of the meeting held on 11 June 2014.

2.07 p.m. Mr Sydney Anderson joined the meeting.

3. Matters Arising

- i. The Committee noted a change to the Forward Work Programme regarding the departmental oral briefing on alternative methods of funding money damages claims scheduled for 2 July 2014. The Department would now provide a written briefing paper on the results of the consultation for 2 July and officials would attend to brief the Committee on the proposed way forward in September 2014.
- ii. The Committee noted correspondence from the Department of Justice providing the wording of two amendments it had agreed to bring forward in relation to the Legal Aid and Coroners' Courts Bill.

2.08 p.m. the Chairman, Mr Paul Givan joined the meeting and took the Chair.

4. Update on Department of Justice Savings Delivery Plans, 2013/14 Provisional Outturn and June 2014 Monitoring Round

Glyn Capper, Deputy Director of Finance, and Lisa Rocks and Billy Irvine, Financial Services Division, Department of Justice joined the meeting at 2.09 p.m.

2.13 p.m. Mr Tom Elliott joined the meeting.

2.15 p.m. Mr Patsy McGlone joined the meeting.

Mr Capper outlined the position regarding the Department of Justice savings delivery plans as at 31 March 2014, its provisional outturn figures for the 2013/14 financial year and details of the June Monitoring Round Return.

A question and answer session followed covering issues including: the reason for the proportionately higher percentage savings figure for Forensic Science compared to other areas of the Department, the final cost of the NI Prison Service Staff Exit Scheme; the impact of potential cuts to the Department of Justice budget as a result of the Welfare Reform impacts; how readily the Department could achieve the proposed cut of 1.5% if it was applied; whether the Department had looked at the cost of the potential cuts for future years; whether business areas had been asked to plan for the potential impact of welfare reform cuts; whether there was a realistic chance of the Department maintaining its ring-fenced position post 2015; what happens with the unringfenced resource DEL underspend of £10.2 million; how the impact on front line services is assessed and tested; the relatively little impact to front line services highlighted by business areas and the PSNI in the Savings Delivery Plans and the reasons for this; the cost of criminal appeals; criminal and civil legal aid costs; the impact of the initiative by the judiciary to clear a backlog of crown court cases on legal aid spend in 2014/15; the importance of the Minister's legal aid reform programme to reduce costs; whether all income streams are based on the principle of full cost recovery; and the timescale for the completion of the PSNI Hearing Loss Claims.

The Chairman thanked the officials for their attendance and they left the meeting.

2.38 p.m. Mr Jim Wells left the meeting.

5. Justice Bill 2014 – Briefing on the Principles of the Bill

Maura Campbell, Deputy Director, and Chris Matthews, Bill Manager, Criminal Justice Development Division, Amanda Patterson, Criminal Policy and Legislation Division, Department of Justice and Tom Clarke, Operations Manager, AccessNI joined the meeting at 2.39 p.m.

Ms Campbell outlined the principles of the Justice Bill 2014.

A question and answer session followed covering issues including: why proposed amendments the Department had indicated it wished to bring during Committee Stage of the Bill were not contained within the Bill before it was introduced; the need for the Department to provide more detail on its proposed amendments to enable the Committee to seek views on them; the views of the judiciary on the single jurisdiction for county courts and magistrates' courts provisions in the Bill; the number of preliminary inquiries that currently take place during committal proceedings; why the provisions in relation to early guilty pleas were not associated with the other court related provisions rather than included in a different section of the Bill; what effect placing victim statements on a statutory basis would have on sentencing considerations by Judges; how a single jurisdiction for county courts and magistrates' courts would provide greater flexibility for managing and processing court business; how the clauses relating to Youth Justice would deliver the recommendations of the Youth Justice Review; whether the Bill includes provisions in relation to community impact statements; and the outcome of the recent Supreme Court judgement relating to disclosure of cautions and convictions.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

Agreed: The Committee agreed that it was content to support the principles of the Bill at Second Stage.

The Chairman advised Members that he would reflect the Committee's position in the Second Stage debate which was scheduled for 24 June 2014.

6. Briefing on proposals to vary the Firearms Licensing Fees and other miscellaneous amendments to Firearms Legislation

Simon Rogers, Deputy Director, Protection and Organised Crime Unit, Robert Kidd, Head of Firearms and Explosives Branch and Donna Giboney, Firearms and Explosives Branch, Protection and Organised Crime Division, Department of Justice joined the meeting at 3.10 p.m.

The Committee noted correspondence from the Ulster Farmers' Union outlining its opposition to any fees increase and its concerns with the current firearms licencing system.

Mr Elliott and Mr McGlone declared an interest as members of the All Party Group on Country Sports.

Mr Rogers outlined the Department of Justice's revised proposals in relation to firearms licencing fees and other miscellaneous amendments to firearms legislation.

A detailed question and answer session followed covering issues including: whether the Department had consulted with its counterparts in England and Wales in respect of the position regarding proposed fee increases; whether enforcement costs are included in the full cost recovery calculation; a breakdown of the costs used to calculate the proposed new fee; whether travel costs are included in the full cost recovery calculation; whether the Department had identified any issues in relation to the proposal for a 10-year firearms licence; whether the proposed review of the proposed interim fee could result in a reduction of the fee; how the Department consulted and engaged with stakeholders; why the Department had not followed the example of the Home Office's engagement with stakeholders; the types of offences that, if committed by a firearms certificate holder, would be automatically flagged to police;

3.34 p.m. Mr Jim Wells joined the meeting.

examples of the reasons that a firearms licence would not be renewed; whether GPs could undertake responsibility for recommending that a firearms licence is not granted on medical grounds; whether 10-year licences would reduce costs or not; how often licence fees should be reviewed; when the last fee increase took place; why the Department had not taken the views of stakeholder organisations on the revised proposals before presenting them to the Committee; timescale for the implementation of proposals; the reasons for the delay in progressing these issues; whether efficiencies can be made in the processing of the firearms licencing applications; the rationale for proposed age restrictions that do not apply in England and Wales; whether problems have been identified in England and Wales in respect of no age restriction; the amendment passed by the Assembly in the Justice Bill 2011 and why the Department had not commenced the provision; the effect of no changes to the current system; the time it takes Firearms and Explosives Branch to process firearms licence applications;

4.16 p.m. Mr William Humphrey left the meeting.

4.22 p.m. Mr Sydney Anderson left the meeting.

the lack of dissemination of information to stakeholders; the reason for the delay in the implementation of the proposed banded system; the band ranges; when the Department plans to meet stakeholders on the proposed banded system; whether the cost of processing firearms licences would be less expensive if carried out by a private company; and whether the same fee applies to all applications regardless of type of firearm.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

Agreed: The Committee agreed to seek the views of the firearms stakeholder groups who had already engaged with it on the Department's revised proposals.

Agreed: The Committee agreed to write to the Minister of Justice to express its concern and frustration regarding the lack of progress in relation to this matter and requesting a report on how the Department has and will engage with stakeholders and the discussions that have taken place.

4.48 p.m. Mr Patsy McGlone left the meeting.

4.48 p.m. Mr Seán Lynch left the meeting.

7. Committee Stage: Legal Aid and Coroners' Courts Bill - Consideration and agreement of the draft Report

The Committee considered the draft report on the Legal Aid and Coroners' Courts Bill.

Agreed: The Committee agreed to include the following additional line at the end of paragraph 134: "On 17 June the Department provided the proposed wording of the two amendments for the Committee's information."

Agreed: The Committee agreed to include the letter dated 17 June 2014 from the Department of Justice in Appendix 3 of the Report.

Title Page, Committee Membership and Powers, Table of Contents and List of Abbreviations

The Committee considered the Title Page, Committee Membership and Powers, Table of Contents and List of Abbreviations.

“Question: That the Committee is content with the Title Page, Committee Membership and Powers, Table of Contents and List of Abbreviations as drafted put and agreed to”.

Introduction

The Committee considered the Introduction section of the report.

“Question: That the Committee is content with the Introduction, paragraphs 1 to 12, as drafted put and agreed to”.

Consideration of the Provisions of the Bill

The Committee considered the Consideration of the Provisions of the Bill section of the report.

“Question: That the Committee is content with the Consideration of the Provisions of the Bill section of the report, paragraphs 13 to 133, as drafted put and agreed to”.

“Question: That the Committee is content with paragraph 134 as amended put and agreed to.

“Question: That the Committee is content with paragraphs 135 to 152 as drafted put and agreed to.

Consideration of a New Proposed Provision for Inclusion in the Bill

The Committee considered the Consideration of a New Proposed Provision for Inclusion in the Bill section of the report.

“Question: That the Committee is content with the Consideration of a New Provision for Inclusion in the Bill section of the report, paragraphs 153 to 180, as drafted put and agreed to”.

Clause by Clause consideration of the Bill

The Committee considered the Clause by Clause consideration of the Bill section of the report.

“Question: That the Committee is content with the Clause by Clause consideration of the Bill section of the report, paragraphs 181 to 203, as drafted put and agreed to”.

Appendices

The Committee considered the Appendices section of the report.

“Question: That the Committee is content with the contents of Appendices 1 and 2 to be included in the report put and agreed to”.

“Question: That the Committee is content with the contents of Appendix 3 as amended to be included in the report put and agreed to”.

“Question: That the Committee is content with the contents of Appendices 4 and 5 to be included in the report put and agreed to”.

Executive Summary

The Committee considered the draft Executive Summary of the report.

“Question: That the Committee is content with the Executive Summary as drafted put and agreed to”.

Agreed: The Committee agreed that it was content for the Chairman to approve the extract of the Minutes of Proceedings of today’s meeting for inclusion in Appendix 1 of the report.

Agreed The Committee agreed to order the Report on the Legal Aid and Coroners’ Courts Bill (NIA 174/11-15) to be printed.

Agreed: The Committee agreed that an electronic copy of the Bill report should be sent to all organisations and individuals who provided evidence to the Committee on the Bill.

4.52 p.m. Mr Jim Wells left the meeting.

The Chairman thanked the Committee Members for their cooperation in completing the Committee Stage of the Bill in 10 weeks and the Committee team, Hansard and all other Assembly staff who had assisted the Committee during its scrutiny of the Bill.

8. Statutory Rule 2014/152: The Attorney General’s Human Rights Guidance (Northern Ireland Prison Service – Prison Order and Discipline) Order (Northern Ireland) 2014

The Committee considered Statutory Rule 2014/152: The Attorney General’s Human Rights Guidance (Northern Ireland Prison Service – Prison Order and Discipline) Order (Northern Ireland) 2014 which would bring the Attorney General’s guidance for the Northern Ireland Prison Service into operation on 7 July 2014.

Agreed: The Committee for Justice considered Statutory Rule 2014/152: The Attorney General’s Human Rights Guidance (Northern Ireland Prison Service – Prison Order and Discipline) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

9. Draft Statutory Rule The Police Act 1997 (Criminal Records Certificates: Relevant Matters) (Amendment No.2) Order (Northern Ireland) 2014

The Committee considered draft Statutory Rule: The Police Act 1997 (Criminal Records Certificates: Relevant Matters) (Amendment No.2) Order (Northern Ireland) 2014 which would amend an error in section 113A(6E)(b)(ii) of the Police Act 1997 in relation to the reference to a person aged under 18 years of age.

Agreed: The Committee for Justice considered draft Statutory Rule: The Police Act 1997 (Criminal Records Certificates: Relevant Matters)

(Amendment No.2) Order (Northern Ireland) 2014 and recommended that it be affirmed by the Assembly.

4.56 p.m. Mr Patsy McGlone joined the meeting.

10. SL1: Lands Tribunal Salary Increase 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to provide for changes in the annual salary payable to the President and member of the Lands Tribunal for Northern Ireland.

The Committee noted that the Department was continuing to explore removing the requirement to increase the salary of the Lands Tribunal by draft affirmative resolution process.

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

11. EU Justice and Home Affairs Bi-Annual Report and EU Funding Report

The Committee noted the EU Justice and Home Affairs Bi-Annual update Report and the Report on EU Funding provided by the Department of Justice which set out the current position in relation to the EU measures being dealt with by the Department, the known impact for Northern Ireland and the current funding landscape and funding opportunities open to justice organisations in Northern Ireland.

12. Policing and Community Safety Partnerships - Local Area Working: Proposals on Achieving Representativeness Post 1 April 2015

The Committee considered the Department of Justice's proposals to achieve local representativeness post 1 April 2015 in relation to Policing and Community Safety Partnerships following the establishment of the 11 new councils.

Agreed: The Committee agreed to schedule an oral briefing on the issue when the CJI Report on the Review of PCSPs in terms of the effectiveness of the Belfast model is available.

13. Update on the Development of the New Domestic and Sexual Violence and Abuse Strategy for Northern Ireland 2013 – 2020

The Committee noted an update provided by the Department of Justice on the development of the new strategy 'Stopping Domestic and Sexual Violence and Abuse, Northern Ireland 2013-2020' and the intention that departmental officials would provide a briefing on the results of the consultation exercise and the final version of the draft strategy when available.

14. Correspondence

- i. The Committee considered a response from the Department of Justice to its request for information relating to the secondary legislation required to amend the PSNI pension scheme.

Agreed: The Committee agreed to forward a copy of the Department's response to Mr Fell who had raised the matter.

- ii. The Committee considered a response from the Department of Justice to its request for further information on the rationale for adopting a staged approach to the reform of the tribunal system and issues raised by the Law Centre (NI).

Agreed: The Committee agreed to forward a copy of the Department's response to the Law Centre for information.

- iii. The Committee considered further correspondence from the Department of Justice regarding the Rapid Assessment Treatment Service for Drug and Alcohol Misusers (RATSDAM) programme delivered by Addiction NI and the position on funding this programme in other parts of Northern Ireland.

Agreed: The Committee agreed to request further information from the Department on the funding implications for the delivery of the RATSDAM programme.

- iv. The Committee noted a response from the Department of Justice providing an explanation for the late submission of its Post Project Evaluation (PPE) on the PSNI's G8 ICT Equipment.

- v. The Committee noted correspondence from the Department of Justice advising of the publication of the Official Statistics bulletin entitled 'Victim and Witness Experience of the Northern Ireland Criminal Justice System: 2008/09 – 2013/14'.

- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of an Assembly Research Paper on 'Refugees and Asylum Seekers in Northern Ireland'.

- vii. The Committee considered a response from the PSNI on behalf of the Chief Constable in relation to the decision by the Committee to support the Attorney General for Northern Ireland's proposal to add the PSNI to the list of organisations to which he issues guidance on human rights standards under section 8 of the Justice (Northern Ireland) Act 2004.

Agreed: The Committee agreed to advise the Chief Constable that previous correspondence from the PSNI on this matter was part of the papers that the Committee considered when reaching the decision to support the Attorney General's proposal.

5.05 p.m. Mr Jim Wells joined the meeting.

- viii. The Committee considered a response from the PSNI to the Committee's request for information on the process and procedures that apply to the recovery, removal, storage and disposal of stolen vehicles.

Agreed: The Committee noted that the process did not appear to be fair to victims and agreed to return to the matter at a future date.

- ix. The Committee considered correspondence from Corrigan & Co Ltd regarding the governance and regulation of solicitors and the legal profession.

Agreed: The Committee agreed to forward a copy of the correspondence to the Committee for Finance and Personnel and the Department of Finance and Personnel as it has responsibility for the regulation of solicitors and is currently considering legislation in this area.

- x. The Committee noted further correspondence from a Mr McHugh regarding allegations of maladministration by the NI Courts and Tribunals Service.
- xi. The Committee noted a copy of correspondence from a Mr Boyd to Inspector Campbell, PSNI regarding an ongoing police investigation.

15. Chairman's Business

None.

16. Any Other Business

None.

17. Date and Time of next meeting

The next meeting will take place on Wednesday 25 June 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 5.10 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice