



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

**THURSDAY 19 SEPTEMBER 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 William Humphrey 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)
Ms Roisin Donnelly (Assistant Assembly Clerk)
Mrs Julie Devlin (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: None.

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

The Chairman welcomed Mr Sydney Anderson on his return to the Committee for Justice and advised that a copy of Mr Anderson's entry in the Register of Members' Interests had been tabled for information.

1. Apologies

None.

2. Draft minutes of the meeting held on 12 September 2013

The Committee approved the draft minutes of the meeting held on 12 September 2013.

3. Matters Arising

- i. The Committee noted that a joint concurrent meeting of the Committee for Justice and the Committee for Health, Social Services and Public Safety to take evidence on the investigation into the sexual exploitation of children and young people from care homes had been arranged at short notice due to the importance of the issue.

Agreed: The Committee agreed to formally record in the minutes that it was content that a joint concurrent meeting of the Committee for Justice and the Committee for Health, Social Services and Public Safety to take evidence on the investigation into the sexual exploitation of children and young people from care homes had taken place on 16 September 2013.

- ii. The Committee noted an updated Forward Work Programme for September and October 2013.
- iii. The Committee considered a note of the discussion on future work items at the informal planning meeting that took place on 12 September 2013.

Agreed: The Committee agreed a range of actions to progress work priorities.

Agreed: The Committee agreed to advise the Clerk of any additional stakeholders from the North West region who should be invited to a lunch event to be hosted by the Committee for Culture, Arts and Leisure in Magee College on 3 October 2013.

- iv. The Chairman advised Members that a copy of the Oireachtas Joint Committee on Justice, Defence and Equality ‘*Report on Hearings and Submissions on the Review of Legislation on Prostitution*’ had been circulated for information.
- v. The Committee noted a copy of the Northern Ireland Human Rights Commission’s submission to Lord Morrow’s consultation on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and additional information that the Commission had provided.

4. Briefing by the Chief Constable of the Police Service of Northern Ireland on a range of issues

The Chief Constable, Mr Matt Baggott, Deputy Chief Constable, Ms Judith Gillespie, Assistant Chief Constable, Mr Mark Hamilton and Mr David Best, Director of Finance and Support Services, PSNI joined the meeting at 2.09 p.m.

The Chief Constable briefed the Committee on a range of issues.

A detailed question and answer session followed covering issues including:

The PSNI Budget, Savings Delivery Plans and Resource Challenges

The impact of current and future budget restraints; whether the maintenance of existing police numbers would meet future policing needs; the Recent Review of Resilience and Capability; the likely impact of reducing officer numbers; whether the PSNI budget would be able to absorb the additional costs of Mutual Aid and the Historical Enquiries Team during this financial year; the budget needed in future years to maintain officer numbers and the likely increased financial pressures; the National Crime Agency's role in Northern Ireland and the likely impact and cost on the PSNI's ability to combat serious and organised crime including child exploitation; whether Mutual Aid officers are used to make up a shortfall in police numbers; and the criteria for using Mutual Aid officers; and the cost of security for the G8 Summit.

Summer policing activities around parades, protests etc. and the impact on the budget

The benefits of local and cross community dialogue and resolutions; the Parades Commission's role as the legal authority in making determinations on parades; the ongoing protest at Twaddell Avenue and the associated costs; who should have responsibility for the costs of policing parades/protests; the impact on local people; the impact on police officers; the level of training of police officers and the numbers trained for public order duties; the health and wellbeing of those officers injured during protests; the disparity in the number of baton rounds fired by police during public disorder in 2012 and 2013; how the police pursue individuals in relation to riotous behaviour; the level of violence against police officers in recent years; the perception that the PSNI treats one community differently from the other; and the funding provided for Mutual Aid.

3.08 p.m. Mr Alban Maginness left the meeting.

The Child Sex Exploitation Investigation

The reasons why the Barnardo's report did not act as a catalyst for a review of cases; the nature of the Barnardo's report which was anonymised academic research; the need for improved information sharing and multi-agency working; the parameters used to identify the twenty-two potential victims; the numbers of victims missing for particular periods of time and the frequency of those episodes; when the PSNI became aware of the issue; the make-up of the Public Protection Units; the resources allocated to the investigation and whether any requests for additional resources would be granted; the need for an independent review into the PSNI handling and the requirement to include health and education in such a review; whether there is a potential role for the Criminal Justice Inspection in undertaking a Review; the issue of 'party houses' and how the PSNI deals with these; the point at which Social Services inform the PSNI of absences; whether the investigation will extend to absences of children not in care homes; the advice provided by the PSNI to Social Services in relation to restricting children from leaving care homes; and whether specialist support from the rest of the UK could be utilised in the investigation.

Human Trafficking

The role of the PSNI in implementing legislation rather than developing legislation; whether the PSNI responded to Lord Morrow's consultation on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill; the recent comments by a senior PSNI officer and the timing of those comments; and whether senior police officers need to seek approval to make statements.

HMIC Report on the Inspection of the PSNI Historical Enquiries Team

Public confidence issues surrounding the appointment process for the head of the PSNI Historical Enquiries Team (HET) including his terms of employment and when he moved to a permanent contract; the protocol followed by the PSNI in relation to appointments; the number of staff who have moved from fixed-term contracts to permanent contracts; who should have identified the incorrect procedures being followed; the types of cases the HET has dealt with; and compliance with Article 2 of the European Convention on Human Rights and whether the Council of Ministers was misled on the issue of compliance.

4.25 p.m. Mr Tom Elliott left the meeting.

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

The proposed changes to Firearms Licensing fees and other miscellaneous changes to Firearms legislation

The Firearms Dealers' security specification currently being implemented by the PSNI and the perceived lack of consultation; the relationship between Firearms dealers and the PSNI and the need for improvement; and the level of complaints received by political representatives in relation to firearms applications and PSNI Firearms Branch.

The UK Government 2014 Block Opt - Out decision and the potential loss of the European Arrest Warrant

The importance of the European Arrest Warrant and the likely impact if it is not available to use in extradition cases; and the level of cooperation between Northern Ireland and the Republic of Ireland and the likely impact of the decision to opt out of the 130 police and criminal justice measures.

The Desertcreat Training College Capital Project

The financial status of the preferred bidder and what further checks could be carried out; and security issues raised by contractors.

The briefing was recorded by Hansard.

The Chief Constable agreed to provide the Committee with additional information on a range of issues.

The Chairman thanked the Chief Constable and his colleagues for the briefing and they left the meeting.

Agreed: The Committee agreed to write to the NI Policing Board regarding a potential role for the Criminal Justice Inspection in reviewing the PSNI's approach and actions in relation to the sexual exploitation of children in care homes.

Agreed: The Committee agreed to write to the Department of Justice regarding the future PSNI budget and related impact on the number of police officers.

Agreed: The Committee agreed to raise the issue of the UK Government's 2014 Block Opt – Out decision with the Minister of Justice when he attends the meeting on 26 September.

The Committee agreed to move into closed session.

The Committee discussed an issue relating to the investigation into the sexual exploitation of children and young people from care homes.

Agreed: The Committee agreed to write on the matter.

The Committee moved into public session.

5. SR 2013/202 The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2013

The Committee considered SR 2013/202 The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2013 which makes a number of amendments to the Rules of the Court of Judicature which govern practice and procedure in the High Court and the Court of Appeal in Northern Ireland.

Agreed: The Committee considered SR 2013/202 The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2013 and agreed that it was content with the Rule.

6. Court Rules Forward Work Programme September to December 2013

The Committee considered the Court Rules Forward Work Programme for the period September to December 2013 and noted that further information on the Rules would be provided when they have been presented to the Minister of Justice to be allowed.

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

7. Access to Justice Reform Programme - August 2013 Progress Report

The Committee considered a revised progress report on the implementation of the Access to Justice Review recommendations provided by the Department of Justice.

Agreed: The Committee agreed to write to the Department of Justice regarding the potential delay in relation to the review of the family law system and the reasons for the slippage in the delivery of the legal aid forecasting management information project.

Agreed: The Committee agreed that future progress reports on the Access to justice Reform Programme should be provided in the original format.

8. Consultation on a Proposal to Place the Office of the Northern Ireland Prisoner Ombudsman on a Statutory Footing

The Committee considered proposals by the Department of Justice to undertake a 12-week public consultation exercise on proposals to create an independent statutory basis for the appointment of the Prisoner Ombudsman for Northern Ireland and the discharge of the functions of the Ombudsman's Office.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results of the consultation are available.

9. Chief Constable of the Police Service for Northern Ireland – Review of the Criteria for Appointment

5.28 p.m. Mr Seán Lynch joined the meeting.

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

The Committee considered correspondence from the Department of Justice regarding a review of the current criteria for the appointment of the Chief Constable of the PSNI.

Agreed: The Committee agreed to schedule an oral briefing from departmental officials on the review of the current criteria for the appointment of the Chief Constable of the PSNI into the Forward Work Programme.

Agreed: The Committee agreed to commission research on the criteria used in other jurisdictions for the appointment of Chief Constables.

10. Proposed Consultation on Changes to Custodial Arrangements for Children in Northern Ireland

The Committee considered proposals by the Department of Justice to undertake a 12-week consultation exercise on custodial arrangements for children in Northern Ireland to support the development of legislative proposals to give effect to the policy of removing all children from custody at Hydebank Wood Young Offenders' Centre as recommended in the Youth Justice Review.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results of the consultation are available.

11. Correspondence

- i. The Committee noted a response from the Department of Justice to the Committee's request for clarification regarding the delay in relation to the justice provisions of the Mental Capacity Bill.
- ii. The Committee considered a response from the Department of Justice regarding whether the Committee for Justice and the Policing Board should have sight of the Memorandum of Understanding (MOU) between the Office of the Police Ombudsman for Northern Ireland and the PSNI and outlining that, as the MOU is not a departmental document, the Minister of Justice is unable to release it.

Agreed: The Committee agreed to request a copy of the Memorandum of Understanding from the Office of the Police Ombudsman for Northern Ireland and the PSNI directly.

- iii. The Committee noted correspondence from the Department of Justice advising that the Lord Chancellor had written to the Minister of Justice regarding his intention to opt in to the proposal for a Council decision authorising Austria and Malta to accede to the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

- iv. The Committee noted correspondence from the Department of Justice advising that Mr Karamajit Singh was to be re-appointed as the NI Judicial Appointments Ombudsman for a final tenure of three years with effect from 25 September 2013.
- v. The Committee considered the Northern Ireland Law Commission Report on ‘*Unfitness to Plead*’.

Agreed: The Committee agreed to schedule an oral briefing by the Northern Ireland Law Commission on the Report into the Forward Work Programme.

- vi. The Committee considered correspondence from the House of Lords Select Committee on the European Union, Sub-Committee on Home Affairs, Health and Education regarding its Inquiry on the EU’s next five-year agenda for EU Justice and Home Affairs activity.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice requesting information on the issues raised from a Northern Ireland perspective.

- vii. The Committee considered correspondence from a Mr Zelenkevich regarding transmission x-ray full body scanners for use in prisons.

Agreed: The Committee agreed to forward the correspondence to the Director of the NI Prison Service to respond directly and provide the Committee with a copy of the response.

- viii. The Committee considered correspondence from Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders regarding the prosecution of an anti-racism campaigner and implications for the right to freedom of peaceful assembly in Northern Ireland.

Agreed: The Committee agreed to forward the correspondence to the PSNI, the Public Prosecution Service and the Department of Justice and ask them to respond directly on the issues raised and provide the Committee with a copy of the responses.

- ix. The Committee considered correspondence from a Mr Fox alleging a number of false allegations and malicious prosecutions and providing a copy of a letter of complaint sent to the Minister of Justice.

Agreed: The Committee agreed to forward the correspondence to the PSNI and the Department of Justice and ask them to respond directly to the issues raised and provide the Committee with a copy of the responses.

- x. The Committee considered correspondence from a Ms Miller in relation to equal pay claims for PSNI support staff.

Agreed: The Committee agreed to forward a copy of the most recent letter from the Department of Justice on this issue to Ms Millar.

- xi. The Committee noted an invitation from Mr Basil McCrea MLA and the British Psychological Society to an event in the Long Gallery, on Tuesday 24 September.
- xii. The Committee considered an invitation to a conference entitled 'Bail in Criminal Proceedings' to be held on Thursday 3 October 2013 in the Law Society, Belfast.
Agreed: The Committee agreed that the Committee Assembly Researcher should attend the event on behalf of the Committee and provide a report.
- xiii. The Committee noted a copy of the Criminal Justice Inspection NI Annual Report and Accounts 2012 - 13.
- xiv. The Committee noted a copy of the Criminal Justice Inspection NI Business Plan 2013 - 14.
- xv. The Committee considered correspondence from the Committee for Finance and Personnel enclosing correspondence from an employee of the Northern Ireland Legal Services Commission highlighting concerns in relation to pay arrangements.
Agreed: The Committee agreed to forward a copy of the most recent letter from the Department of Justice on this issue to the individual.
- xvi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the Report of the Advisory Group on Alleviating Hardship, August 2012.
- xvii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had written to the Minister of Finance and Personnel following the comments he had made in the Assembly on 16 September indicating his support for a centrally driven resolution to the equal pay issue relating to PSNI Support Staff and former NIO staff.
Agreed: The Committee agreed to advise the Ministers of Justice and Finance and Personnel and the Committee for Finance and Personnel of its support for this action.
Agreed: The Committee agreed to forward a copy of the correspondence to those individuals who had written to the Committee on the matter.
- xviii. The Committee considered correspondence from Mr Trevor Clarke MLA requesting a breakdown of the number of prison officers on duty.
Agreed: The Committee agreed to forward the correspondence to the Minister of Justice for a response.

12. Chairman's Business

- i. The Chairman advised Members that he would attend the Action Mental Health event on 8 October in the Senate Chamber to mark the end of the organisation's year as the Northern Ireland Assembly's nominated charity on behalf of the Committee.

- ii. The Chairman advised Members that he had received correspondence from the Northern Ireland Safety and Lifeskills Education Centre Partnership requesting a meeting to up-date Members on a pilot project to help address some of the major causes of unintentional injuries to young people and focus on tackling social issues such as online safety, anti-social behaviour, and drugs and alcohol awareness.

Agreed: The Committee agreed that an informal meeting with representatives of the Northern Ireland Safety and Lifeskills Education Centre Partnership should be arranged.

13. Any Other Business

None.

14. Date, Time and Place of next meeting

The next meeting will take place on Thursday 26 September 2013 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.39 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

26 September 2013