



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 2 JULY 2015
Senate Chamber, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA
Mr Neil Somerville MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: Mr Chris Hazzard MLA

The meeting commenced at 2.07 p.m. in public session.

The Chairman welcomed Mr Neil Somerville MLA to his first meeting of the Committee for Justice and advised Members that a copy of the entry in the Register of Members' Interests for Mr Somerville would be circulated when available.

The Chairman placed on record the Committee's thanks to Mr Tom Elliott MP for his contribution to the work of the Committee and wished him well in his new role.

1. Apologies

As above.

2. Draft minutes of the meetings held on 18 June 2015 and 23 June 2015

The Committee agreed the minutes of the meetings held on 18 June and 23 June 2015.

3. Matters Arising

The Committee noted correspondence from the Department of Justice providing further information regarding the operation of the legislative arrangements for deductions from benefits orders requested during the oral evidence session on the principles of the Justice No.2 Bill at the meeting on 23 June 2015.

The Chairman advised the Committee that, due to technical issues with the recording equipment in the Senate Chamber on 23 June 2015, it would not be possible to produce a Hansard of the oral evidence session on the Justice No.2 Bill.

4. Proposals by the Northern Ireland Courts and Tribunals Service for the Rationalisation of the Courts Estate – Oral Evidence from Representatives of Councils

The Committee noted the Criminal Justice Inspection Northern Ireland Report of its Follow-up Review of Inspection Recommendations in relation to the Adequacy of the Courts Estate.

Representatives from seven local government councils joined the meeting at 2.11 p.m. to discuss the proposals by the Northern Ireland Courts and Tribunals Service for the rationalisation of the courts estate including the proposed closure of a number of court houses.

2.38 p.m. Mr Edwin Poots joined the meeting.

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

Ards and North Down Borough Council

Councillor Steven McIlveen
Councillor Jimmy Meenagh
Mr Stephen Reid, Chief Executive

Armagh City, Banbridge and Craigavon Borough Council

Ms Sharon O’Gorman, Strategic Director

Causeway Coast and Glens District Council

Councillor Aaron Callan
Councillor Alan Robinson

Derry City and Strabane District Council

Councillor Karina Carlin
Councillor Patsy Kelly
Mrs Rachelle Craig, Change Manager

Fermanagh and Omagh District Council

Councillor Thomas O’Reilly, Chairman
Mr Brendan Hegarty, Chief Executive

Lisburn and Castlereagh City Council

Councillor Pat Catney
Alderman James Tinsley
Catharine McWhirter, Community Planning Officer

Mid and East Antrim Borough Council

Mayor Councillor Billy Ashe

Alderman Tommy Nicholl

Ms Anne Donaghy, Chief Executive

The representatives of each Council briefly outlined a range of issues in relation to the NICTS proposals.

A detailed discussion and question/answer session followed covering issues including: the likely detrimental impact if courthouses close; whether there was a case for fewer courthouses but the provision of better facilities in those remaining as has occurred in neighbouring jurisdictions; the findings and recommendations of the CJINI report on the adequacy of the court estate; whether and how better use could be made of existing court buildings and facilities; the lack of properly costed proposals in the consultation document; the need to fully consider alternative options to the proposed closures; and ways to improve efficiency and achieve cost savings if the proposed courthouse closures do not take place.

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

3.37 Mr Raymond McCartney left the meeting.

3.47 p.m. Mr Edwin Poots left the meeting.

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

Agreed: The Committee agreed to request information regarding the utilisation of courthouses for each type of business over the last 5 to 8 years and an explanation for any trends in the figures and the outcome of any review of the impact of the closure of a number of hearing centres in Northern Ireland including the impact on the remaining courthouses and the impact on court users.

4.10 p.m. Mr Sean Lynch left the meeting.

5. Justice No.2 Bill – Proposals for Written Evidence

The Committee noted correspondence from the Department of Justice providing information on a number of amendments it planned to bring forward for consideration during the Committee Stage of the Justice No.2 Bill.

The Committee considered proposals to enable written evidence to be sought on the Justice No.2 Bill in anticipation of Committee Stage commencing in September 2015 including a draft media sign-posting notice, a draft letter seeking evidence on the Bill and a list of key stakeholders.

Agreed: The Committee agreed a closing date of 18 September 2015 for receipt of written evidence.

Agreed: The Committee agreed to seek views on the Department of Justice's proposed amendments when seeking written evidence on the Bill.

Agreed: The Committee agreed a media sign-posting notice, a list of key stakeholders and a letter to issue seeking written evidence on the Bill and the proposed amendments outlined by the Department of Justice.

6. SR 2015/262 The Insolvency (Amendment) Rules (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/262 The Insolvency (Amendment) Rules (Northern Ireland) 2015 which will introduce a number of procedures to make improvements in the administration of insolvencies and provide a better service for debtors and creditors.

Agreed: The Committee considered Statutory Rule 2015/262 The Insolvency (Amendment) Rules (Northern Ireland) 2015 and had no objection to the Rule.

7. Department of Justice Retention and Disposal Schedule

The Committee considered the retention and disposal schedule for the Department of Justice which specified the minimum requirements for the retention and disposal of departmental records and information in accordance with the Rules of the Disposal of Documents Order 1925 by the Public Records Office of Northern Ireland.

Agreed: The Committee agreed that it was content with the Department of Justice Retention and Disposal Schedule.

8. SL1 – The Justice Act 2015 (Violent Offences Prevention Order) (Notification Requirements) Regulations 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule which would prescribe further notification requirements to those already included in the Justice Bill in relation to Violent Offences Prevention Orders including requirements to notify all travel outside the United Kingdom or when travelling to the Republic of Ireland for three days or more and to notify on a weekly basis where the offender does not have a sole or main residence.

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

9. Reform of the Scope of Civil Legal Aid - Draft Guidance on Prospects of Success and Cost Benefit

The Committee considered draft guidance from the Department of Justice for the Northern Ireland Legal Services Agency which outlined the concepts of the prospects for success and cost-benefit tests for applications for civil legal aid and strengthened the application of the existing merits test by outlining exactly what information the solicitor has to provide at the outset of a case.

The Committee noted the Department's intention to seek the comments of the legal profession before the guidance came into operation.

Agreed: The Committee agreed to ask the Department of Justice to share the feedback it received on the draft guidance from the legal professions and its response to any issues raised to enable it to consider the guidance further.

Agreed: The Committee agreed to ask the Department of Justice to provide information on the impact of the operation of the guidance and whether it is operating in the way envisaged twelve months after it is introduced.

4.17 p.m. Mr Sean Lynch joined the meeting.

10. Secretary of State's Direction under Section 1A (7) of the Prison Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010

The Committee noted a proposal to renew, unaltered, for a further twelve months from October 2015, the Secretary of State's Direction under Section 1A(7) of the Prison Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, which specifies the Secretary of State's functions exercisable by Department of Justice officials undertaking prison or prison-related functions, and when exercising those functions, such officials are to be treated as Officers of the Secretary of State.

A Member highlighted their reservations regarding the Secretary of State's Direction that had previously been raised during an oral evidence session on a previous Direction at the meeting on 14 June 2012.

Agreed: The Committee agreed to advise the Department of Justice that a Member had raised reservations that had previously been drawn to its attention in relation to the Direction.

11. Update on the Department of Justice Estate Strategy

The Committee noted information provided by the Department of Justice on the current position in relation to its Estate Strategy which covers the Core Department Directorates, Executive Agencies and Non Departmental Public Bodies.

12. Prison Review Oversight Group Annual Report 2014-15 and Summary Report – May 2015

The Committee considered the third Annual Report of the Prison Review Oversight Group covering the period April 2014 to March 2015 and the Summary Report following its meeting on 14 May 2015 and noted that a briefing by the independent members of the Group would be scheduled in the autumn and would provide an opportunity to discuss both reports

13. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising that the Secretary of State for Northern Ireland proposed to seek parliamentary approval

for the extension of non-jury trial provisions for a further two years from July 2015 and intended to hold a full consultation in advance of the next review in July 2017.

- ii. The Committee noted correspondence from the Department of Justice providing the terms of reference, work programme and timeline for the scoping study and review of custodial and community sentencing arrangements for children and comparative statistics regarding the percentage of victims involved in a young person's case.
- iii. The Committee noted correspondence from the Minister of Justice on the appointment of nine independent members to the Northern Ireland Policing Board and a press release providing further information on the background and experience of each member.
- iv. The Committee noted correspondence from the Department of Justice regarding the publication of the Judicial Statistics 2014 report on criminal, civil and family business in the Northern Ireland Courts and Tribunals Service.
- v. The Committee noted a response from the Office of the Lord Chief Justice regarding a public consultation on draft Directions detailing the arrangements for the distribution of business under the provisions for a single jurisdiction for the County Courts and Magistrates' Courts in the Justice Bill.
- vi. The Committee noted the Investment Strategy for Northern Ireland – Department of Justice's Procurement Activity Report for June 2015.
- vii. The Committee noted the Prisoner Ombudsman's Annual Report for 2014-15.
- viii. The Committee considered the Organised Crime Task Force Annual Report 2014-15 and Threat Assessment for 2015.

Agreed: The Committee agreed to schedule an oral briefing from the Organised Crime Task Force on the Threat Assessment before the end of the mandate.

- ix. The Committee noted the Parole Commissioners' Annual Report for 2014-15.
- x. The Committee noted correspondence from the Northern Ireland Judicial Appointments Commission advising of the appointment of Ms McGivern to the Office of Master (Taxation and Enforcement of Judgements) in Northern Ireland.
- xi. The Committee noted correspondence from the Minister of Justice regarding commencement of a number of ancillary articles in relation to the operation of Articles 19 and 20 of the Criminal Justice (Northern Ireland) Order 2008.
- xii. The Committee noted correspondence from the Department of Justice providing further information it had requested following the oral briefing on the June Monitoring Round on 4 June 2015.
- xiii. The Committee noted a copy of the response from the Director General of the Northern Ireland Prison Service to the Prison Officers' Association regarding the management of the Prison Service and the effects of budget reductions.
- xiv. The Committee considered correspondence from an individual in relation to the PSNI Civilian staff equal pay claim.

Agreed: The Committee agreed to forward the correspondence to the Minister of Finance and Personnel and the Minister of Justice and ask them to respond directly on the matter and provide a copy of the responses to the Committee.

14. Chairman's Business

- i. The Chairman advised the Committee that he had received an invitation to an international conference on '*The Role of Parliaments in the Protection and Realisation of the Rule of Law and Human Rights*' in Westminster on 7 September 2015 and Members were content for him to attend the event.
- ii. The Committee considered arrangements for dealing with Freedom of Information requests during the summer recess period.

Agreed: The Committee agreed to delegate authority to the Chairman and Deputy Chairman to submit, during the recess period, views on the releasing or withholding of the information in any non-routine/contentious Freedom of Information requests received.

15. Any Other Business

- i. The Chairman advised Members that following summer recess production of paper meeting packs would cease. Refresher training on the electronic pack system would be available for Members in September.
- ii. The Committee visit to London and the briefings and meetings that took place, which Members found very useful and informative, were discussed.

Agreed: The Committee agreed to hold events in the autumn to which representatives from the Centre for Justice Innovation and the Rt Hon Sir Brian Leveson would be invited to speak on innovation in the justice system.

16. Date and Time of next meeting

The next Committee meeting will take place on Thursday 10 September 2015 at 2.00 p.m. in Room 30, Parliament Buildings. An informal strategic planning meeting to discuss work priorities until the end of the mandate would take place on Thursday 3 September 2015.

The meeting was adjourned at 4.28 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice