



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

WEDNESDAY 28 JANUARY 2015  
Room 21, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Stewart Dickson MLA  
Mr Sammy Douglas MLA  
Mr Tom Elliott MLA  
Mr Paul Frew MLA  
Mr Alban Maginness MLA  
Mr Patsy McGlone MLA  
Mr Edwin Poots 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 Anna McDaid (Assembly Bursary Student)

Apologies: Mr Chris Hazzard MLA  
Mr Seán Lynch MLA

*The meeting commenced at 2.01 p.m. in public session.*

#### **1. Apologies**

As above.

#### **2. Draft minutes of the meeting held on 21 January 2015**

The Committee approved the draft minutes of the meeting held on 21 January 2015.

#### **3. Matters Arising**

- i. The Committee noted correspondence from the Northern Ireland Human Rights Commission providing additional information in relation to Mr Jim Well's proposed amendment to the Justice Bill.

- ii. The Committee noted information provided by the Department of Justice on revised proposals and draft legislation regarding the operation of the National Crime Agency in Northern Ireland that was currently being considered by the political parties.

*2.03 p.m. Mr Alban Maginness joined the meeting.*

*2.12 p.m. Mr Patsy McGlone joined the meeting.*

#### **4. Department of Justice 2015/16 Budget Proposals**

The Minister of Justice, Mr David Ford MLA, Ms Lian Patterson, Director, Justice Delivery Directorate and Mr Glyn Capper, Deputy Director, Financial Services Division, Department of Justice joined the meeting at 2.03 p.m.

The Minister of Justice outlined the key issues in relation to the 2015/16 Justice Budget.

A detailed question and answer session followed covering issues including: how savings are identified within the PSNI's budget; whether there is a collaborative approach between the PSNI and the Department to identify savings and efficiencies; whether the Prison Service is sufficiently funded to maintain safety levels for prison staff, prisoners and visitors; whether there is flexibility within the budget to allocate additional funding to the Prison Service; anticipated costs to the Department of Justice in relation to the outworkings of the Stormont House Agreement; the range of urgent measures being considered to reduce the legal aid funding pressures; further details of the proposed levy on legal aid bills; possible legal difficulties associated with the retrospective application of a levy; whether the Minister has discussed his levy proposals with the legal professions; whether the levy would be applied on a universal basis; how short-term the measure would be; whether the Minister's proposals exceeded the existing statutory discount rate; whether it is fair to apply a retrospective deduction of payment to people who have provided a service in good faith; the Department's applications to the Department of Finance and Personnel Change Fund and what projects had received funding; whether further funding can be found for the Railway Street Addiction Service in Ballymena; whether funding for the Railway Street Addiction Service has been cut because it is a jointly funded project with the Department of Health, Social Services and Public Safety; the current position regarding the funding of the Voluntary Search and Rescue organisations; innovative ways to provide assistance to these organisations; the assessment of the wider impact on the criminal justice system as a result of spending cuts to the Probation Board and Youth Justice Agency; what discussion the Minister had regarding the proposed reduction in the number of court houses with the Lord Chief Justice; the likely impact that funding cuts to the Probation Board will have on the management and supervision of violent and sex offenders within the community; legal aid funding of two counsel representation; how lawyers draw down civil legal aid funding and whether it is based on estimated costs; progress in relation to the Minister's wider legal aid reform proposals; the Department's liaison with the legal professions on the wider legal aid reform proposals; the impact on access to justice by reducing the number of court houses and the number of days in which tribunals can sit; the current position regarding the Desertcreat Community Safety Training College capital project; funding for NIACRO; the calculation of the cost per prisoner place and an explanation of the marginal cost of prisoner places; whether there is a standard acceptable prisoner officer to prisoner ratio; how much of the PSNI budget is ring-fenced for security measures; whether the prison service is running below the required staffing compliment and the dependency on staff overtime;

whether there are current inefficiencies within the management of court business; and how the rationalisation of the court estate will speed up the delivery of court business.

The briefing was recorded by Hansard.

The Minister advised the Committee that further details of the proposed urgent measures to address the Legal Aid pressures would be provided as soon as possible.

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

## **5. Proposals for the Reconstitution of the Northern Ireland Policing Board**

The Minister of Justice, Mr David Ford MLA, remained at the meeting and was joined by Mr Anthony Harbinson, Director, Safer Communities Directorate and Ms Rosemary Crawford, Deputy Director, Policing Policy and Strategy Division, Department of Justice at 3.43 p.m.

The Minister of Justice outlined his proposals for the Reconstitution of the Northern Ireland Policing Board and the appointment of independent members.

A detailed question and answer session followed covering issues including: the requirement to ensure that the composition of the membership of the Board is reflective of the wider community; the benefits of the proposed new approach; the difference between elected and independent members; why the Department did not look at measures to harmonise the appointment of political and independent members; the organisations the Department consulted with in relation to the reconstitution proposals; the timing of and time period provided for the consultation; whether a full equality impact assessment had been carried out on the proposals; the composition of the Youth Justice Agency's Board; what evidence the Department had to suggest the current appointment arrangements were not working; clarification of the reasons that prompted the Department to review the appointments process; what the current mechanism for reappointing independent members is; whether a different appointments process is required for the Policing Board to that given to other public bodies; the rationale for the proposed new remuneration rates for the Chair, Vice Chair and Independent Members; and how the proposed transitional appointment arrangements would work in practice including the use of random selection for appointment terms.

The briefing was recorded by Hansard.

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

## **6. The Justice Bill – Proposed Amendment by the Attorney General for Northern Ireland - Oral evidence from the Department of Health, Social Services and Public Safety**

Dr Paddy Woods, Deputy Chief Medical Officer, Mr Fergal Bradley, Director of Safety, Quality and Standards Directorate and Mr David Best, Head of Learning, Litigation and Service Framework Development Branch, Department of Health, Social Services and Public Safety joined the meeting at 4.27 p.m.

Dr Woods outlined the key issues in the Department of Health, Social Services and Public Safety's written evidence on the proposed amendment by the Attorney General for Northern Ireland.

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

A detailed question and answer session followed covering issues including: why the Health Department viewed the Attorney General's proposed powers as unnecessary; the current powers of the Attorney General to access papers; the types of improvements the Health Department is undertaking with regard to the reporting of deaths; whether there should be full disclosure of papers in cases referred to the Coroner; the nature and purpose of a Serious Adverse Incident Report; possible unintended consequences of the proposed amendment; the system in Scotland in which a percentage of deaths are randomly selected and referred for Review to provide checks and balances; whether the Health Department had discussed the proposed amendment with the Attorney General; the need for further clarification of the rationale for the Attorney General's proposal; the wide scope of the proposed amendment and the need to consider what information is necessary; and whether the proposed powers are proportionate.

The briefing was recorded by Hansard.

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

## **7. SL1: The Police Pensions Regulations (Career Average Revalued Earnings) Scheme**

The Committee considered further information provided by the Department of Justice, the Police Federation for Northern Ireland and individual Police Officers on the proposal by the Department of Justice for a Statutory Rule to make provision for the introduction of the new Career Average Revalued Earnings pension scheme for the PSNI and PSNI Reserve.

A number of members outlined concerns regarding the proposals and the Committee discussed a potential adjustment of the retirement age from 60 to 55.

*Agreed:* The Committee agreed to seek the views of the Department of Justice on whether it agrees in principle that police pensions should provide for a possible pensionable age of 55 without penalties and how quickly primary legislation could be brought forward to make the necessary change.

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

## **8. SL1s: Proposed Human Rights Guidance for the Probation Board for Northern Ireland and the Youth Justice Agency by the Attorney General for Northern Ireland**

The Committee considered proposed Statutory Rules to bring into operation Human Rights Guidance by the Attorney General for Northern Ireland for the Probation Board for Northern Ireland and the Youth Justice Agency.

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

## **9. Proposed Consultation Proposals to Rationalise the Court Estate**

The Committee considered information provided by the Department of Justice on a consultation on proposals to rationalise the court estate.

*Agreed:* The Committee agreed that a briefing by Northern Ireland Courts and Tribunals Service officials on the proposals should

be scheduled into the work programme before the end of the consultation.

*Agreed:* The Committee agreed to invite the Lord Chief Justice to attend to discuss the proposals.

## **10. Prison Review Oversight Group Summary Report – December 2014**

The Committee noted the Summary Report of the Prison Review Oversight Group following its meeting on 3 December 2014.

*Agreed:* The Committee agreed to invite the independent members of the Prison Review Oversight Group to brief the Committee following its last meeting in Spring 2015.

## **11. Correspondence**

- i. The Committee noted a copy of the Minister of Justice's response to Mr Danny Kinahan MLA regarding the accountability of PSNI Firearms and Explosives Branch civilian staff to the Police Ombudsman.
- ii. The Committee noted the publication of the Seventh Report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007.
- iii. The Committee noted information provided by the Department of Justice in relation to PSNI funding applications to Horizon 2020 and the European Commission Annual Work Programme for 2015.

The Committee also noted that a paper to assist consideration of the Committee's EU priorities for 2015 would be prepared for consideration at a future meeting.

- iv. The Committee noted an invitation from the Committee for the Office of the First Minister and deputy First Minister to the Landscape Institute Northern Ireland Seminar, 'Designing and Delivering Shared Space in Places of Conflict' on 9 February 2015 in Parliament Buildings.

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

- v. The Committee noted correspondence from the Committee for Enterprise, Trade and Investment providing the Terms of Reference for its Inquiry into Growing the Economy and Creating Jobs with Lower Corporation Tax.
- vi. The Committee considered copies of correspondence from a number of individuals regarding the Charity Commission's Final report on Lough Neagh Rescue.

*Agreed:* The Committee agreed to forward the correspondence to the Department for Social Development, given its responsibility for the Charities Commission and the Committee for Social Development.

- vii. The Committee considered a copy of correspondence from a Mr Trevor McKee to the Minister for Social Development in relation to the publishing of a report by the Charity Commission on Lough Neagh Rescue.

*Agreed:* The Committee agreed to forward a copy of the correspondence to the Committee for Social Development for information.

- viii. The Committee considered an invitation from Queen's University Belfast Youth Justice Network and Include Youth to a Conference on Raising the Minimum Age of Criminal Responsibility on 10 February 2015 in the Great Hall, Lanyon Building.

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

*5.30 p.m. Mr Alban Maginness left the meeting.*

- ix. The Committee noted the Criminal Justice Inspection Northern Ireland Report on Police Use of Discretion and other Disposals.

*Agreed:* The Committee agreed to commission a research paper on the use of youth diversionary disposals and reoffending rates to inform future work.

## **12. Chairman's Business**

None.

## **13. Any Other Business**

The Committee discussed visiting the Belfast Law Centre and holding a meeting there.

*Agreed:* The Committee agreed to consider a visit to the Belfast Law Centre as part of its forward work programme.

## **14. Date and Time of next meeting**

The next meeting will take place on Wednesday 4 February 2015 at 2.00 p.m. in Room 21, Parliament Buildings.

*The meeting was adjourned at 5.31 p.m.*

**Mr Alastair Ross MLA**  
**Chairman, Committee for Justice**