



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 10 DECEMBER 2014
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 Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Alison Ferguson (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)
Ms Anna McDaid (Assembly Bursary Student)

Apologies: Mr Chris Hazzard MLA

The meeting commenced at 2.04 p.m. in public session.

The Chairman, Mr Alastair Ross MLA and Committee Members recorded their appreciation for the contribution to the work of the Committee of the previous Chairman, Mr Paul Givan MLA.

Committee Members welcomed the newly appointed Chairman to the Committee and wished him well in his new role.

1. Apologies

As above.

2. Draft minutes of the meeting held on 3 December 2014

The Committee approved the draft minutes of the meeting held on 3 December 2014.

3. Matters Arising

- i. The clauses in the Justice Bill providing for a single jurisdiction for County Courts and Magistrates' Courts were discussed.

Agreed: The Committee agreed to write to the President of the County Court Judges and seek their views/comments on the provisions in the Justice Bill relating to a single jurisdiction for County Courts and Magistrates' Courts.

- ii. The Committee considered a Forward Work Programme for January 2015 and correspondence from the Department of Justice regarding its ongoing work in relation to resolving the various firearms issues.

Agreed: The Committee agreed that it was content for the briefing from departmental officials on firearms issues on 25 January 2015 to be rescheduled once engagement with key stakeholders had been completed and final proposals were available for consideration.

- iii. The Committee noted correspondence from the Minister of Finance and Personnel regarding the implementation of the provision in the Public Service Pension Act (Northern Ireland) 2014 relating to RUC Widows' Pensions.

4. Department of Justice January 2015 Monitoring Round Return and Six-Monthly Update on Savings Delivery Plans

Mr Glyn Capper, Deputy Director, Finance and Mr Billy Irvine, Acting Head of Financial Services Division, Department of Justice joined the meeting at 2.11 p.m.

Mr Capper outlined the Department of Justice January 2015 Monitoring Round position and provided an update on the Department's Savings Delivery Plans.

A detailed question and answer session followed covering issues including: the total additional funding that has been allocated to meet legal aid costs over the June and October 2014 and January 2015 Monitoring Rounds; the areas where budgets have been reduced to fund the legal aid pressures and the opportunity costs; whether the savings anticipated as a result of the changes to Crown Court Remuneration fees had been absorbed by the increase in volume of Crown Court cases and resultant additional costs;

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

whether the legal aid funding pressure will reduce as the volume of cases reduces to "normal" levels; PSNI hearing loss claims and whether the volume of cases was reducing; the impact of budget cuts and the substantial increase in workload on the delivery of front line services by the Probation Board and in particular the monitoring of offenders;

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

the position regarding the Desertcreat Community Safety Training College Capital project funding easement and end year flexibility arrangements; the Northern Ireland Prison Service hearing loss claims and whether they are similar in nature to the PSNI hearing loss claims; the legal and medical assessment costs associated with hearing loss claim cases and whether the NI Prison Service claims would be handled differently; an explanation for the PSNI not identifying any additional pressures as part of the January 2015 Monitoring Round; the threshold for determining an 'adverse' impact on front-line services; why the Department had not submitted a bid as part of the Monitoring Round for funding for frontline services such as the Railway Street Addiction Centre in Ballymena following the withdrawal of funding due to in-year budget pressures; the cost per prisoner place; the current position in relation to the NI Prison Service Staff Exit Scheme; the likely terms of the proposed Public Sector voluntary redundancy scheme; the impact of budget cuts on the Youth Justice Agency including the use of overtime to cover vacant posts; the engagement that had taken place between DoJ and DFP officials on the Desertcreat Training College in recent weeks; the impact of budget cuts on NIACRO and the potential loss of other funding currently leveraged by the core funding; the potential cost to other parts of the criminal justice system if rehabilitation programmes are cut; the current position in relation to the delivery of the savings targets; and the reason for the shortfall and where the additional required savings would come from.

The briefing was recorded by Hansard.

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

5. Department of Justice 2015-16 Draft Budget Proposals

The Committee noted the Department of Justice's consultation document on its 2015-16 Draft Budget proposals.

Agreed: The Committee agreed to schedule a briefing by the Minister of Justice in January 2015 to discuss the 2015-16 budget position following completion of the consultation.

6. Update on the Desertcreat Community Safety Training College Capital Project

The Committee considered information provided by the Department of Justice on the current position on the Desertcreat Community Safety Training College Capital Project and noted that regular updates would continue to be scheduled into the work programme.

Agreed: The Committee agreed to request further information from the Project Steering Group on the reasons why the current procurement process should not be discontinued.

7. SL1: Draft Judicial Pensions Regulations (Northern Ireland) 2015 and Related Matters

The Committee considered a proposal by the Department of Justice for a Statutory Rule to be made under powers conferred by the Public Service Pensions Act (Northern Ireland) 2014 to establish a Career Average Revalued Earnings (CARE) pension scheme for the devolved judiciary including regulations setting out the mechanics of the CARE scheme and an order specifying which judicial office holders are eligible to join the scheme.

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

8. Programme for Government – Update on Department of Justice Commitments

The Committee considered a progress report from the Department of Justice in relation to the seven Programme for Government commitments for which it has responsibility.

Agreed: The Committee agreed to request further information in relation to Commitment 54 – Reduce the level of serious crime and the current levels of serious crime.

2.59 p.m. Mr Alban Maginness joined the meeting.

9. Update on the Department of Justice Legislative Programme

The Committee noted an update from the Department of Justice on the primary and subordinate legislation it intends to bring forward during the current mandate.

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

10. Proposed Creation of a New Criminal Offence of Police Corruption for PSNI Officers – Consultation Responses and Next Steps

The Committee considered a summary of responses provided by the Department of Justice to its targeted consultation on a proposal to introduce legislation to create an offence of police corruption for PSNI officers similar to legislation to be introduced by the Home Secretary to create a new criminal offence of police corruption in England and Wales which is intended to supplement the existing offence of misconduct in public office and the Minister's proposed way forward.

Agreed: The Committee agreed to request further information on the financial implications of the proposal and the rationale for the decision by the Home Office that the new offence in England and Wales should not apply to certain categories of Constable such as ports police or certain immigration officers and officers of HM Revenue and Customs and to consider the matter further at the meeting on 14 January 2015.

11. Attorney General for Northern Ireland – Draft Human Rights Guidance for the Probation Board for Northern Ireland

The Committee considered draft Human Rights Guidance for the Probation Board for Northern Ireland provided by the Attorney General for Northern Ireland in accordance with Section 8 of the Justice (Northern Ireland) Act 2008 and noted that the Attorney General's Office had liaised with Probation Board officials on the development of the guidance.

Agreed: The Committee agreed that it was content with the draft guidance.

12. Fine Enforcement and Fine Default – Update following Judgement in Judicial Review Cases

The Committee considered information provided by the Department of Justice on developments following the judgement delivered by the Divisional Court in five judicial reviews relating to the arrangements for imposing and enforcing fines and other monetary penalties.

Agreed: The Committee agreed to request further information on the extent of the unpaid fines and the likely amount that will not be recovered.

13. 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 the two projects that make up its Estate Strategy.

14. EU Justice and Home Affairs Bi-Annual Report

The Committee considered information provided by the Department of Justice which summarised the current position in relation to relevant EU measures, the known impact for Northern Ireland and progress to access EU funding schemes.

Agreed: The Committee agreed to request further information on the PSNI's applications in relation to Horizon 2020 projects and any other similar projects which involve co-operation between the PSNI and An Garda Síochána.

15. Update on Judicial Pension Reform and O'Brien Litigation

The Committee noted information provided by the Department of Justice on the current position in relation to the O'Brien litigation relating to pension and other benefits for fee-paid judiciary under the EU Part-Time Workers Directive.

16. Correspondence

- i. The Committee noted the November 2014 Investing Activity Report for the Department of Justice Capital Projects.
- ii. The Committee noted a copy of correspondence from the Department of Justice to Evangelical Alliance NI in relation to issues raised concerning the consultation on the criminal law on abortion in Northern Ireland.

The Committee also discussed the Northern Ireland Human Rights Commission's planned legal challenge against the Department of Justice in relation to the criminal law on abortion.

Agreed: The Committee agreed to request further information from the Northern Ireland Human Rights Commission and the Department of Justice in relation to the legal challenge and to consider the matter at the meeting on 14 January 2015.

- iii. The Committee noted correspondence from the Department of Justice providing information on the number of prisoner-on-prisoner assaults in each prison and prisoner mental health issues which had been requested during the oral briefing by the Northern Ireland Prison Service on 22 October 2014.
- iv. The Committee noted a copy of correspondence from the PSNI to Relatives for Justice regarding the delivery of Historical Enquiry Team reports.
- v. The Committee noted the report by the Prisoner Ombudsman into a death in custody at Maghaberry Prison.
- vi. The Committee noted the Criminal Justice Inspection Northern Ireland Report on a Review of the Governance, Delivery and Outcomes of the Policing and Community Safety Partnerships (PCSPs).

Agreed: The Committee agreed to schedule a briefing by the Chief Inspector of Criminal Justice on the report prior to a briefing by Department of Justice officials on the matter.

- vii. The Committee noted further correspondence from a Mr S Glenn regarding the Police Federation of Northern Ireland and the Department of Justice handling of proposed police pension changes.
- viii. The Committee noted an invitation to attend a symposium and launch of the book ‘Policing in Northern Ireland, Delivering the new Beginning?’ by Desmond Rea and Robin Masefield on 16 December at Riddell Hall, Belfast.

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

- ix. The Committee considered correspondence from the PSNI providing further information requested on the Firearms Engagement meetings.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the engagement meetings planned for January and March 2015.

- x. The Committee noted correspondence from a Mr A Gill regarding breaches of family court orders.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice and the Office of the Lord Chief Justice and request that they respond directly to Mr Gill on the issues raised.

- xi. The Committee noted correspondence from a Mr and Mrs Waters in relation to the civil action against Ms Bernadette Smyth.
- xii. The Committee noted further correspondence from a Mr W McMaster regarding his complaint in relation to the Office of the Police Ombudsman.

Agreed: The Committee agreed to seek clarification from the Office of the Police Ombudsman regarding whether a formal complaint from Mr McMaster is currently being considered.

17. Chairman's Business

The Chairman advised Members that he would send Christmas cards to the main Justice stakeholders on behalf of the Committee.

18. Any Other Business

The issue of the use of self-service kiosks in Northern Ireland prisons was raised.

Agreed: The Committee agreed to request information on what consideration has been given to the use of self-service technology in Northern Ireland prisons.

19. Date and Time of next meeting

The next meeting will take place on Wednesday 14 January 2015 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 3.26 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice