



**Northern Ireland  
Assembly**

**COMMITTEE FOR JUSTICE**

**MINUTES OF PROCEEDINGS**

THURSDAY 18 FEBRUARY 2016  
Room 30, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)  
Mr Alex Attwood MLA  
Mr Stewart Dickson MLA  
Mr Sammy Douglas MLA  
Mr Paul Frew MLA  
Mr Danny Kennedy MLA  
Mr Seán Lynch MLA  
Mr Alban Maginness MLA  
Ms Bronwyn McGahan MLA  
Mr Edwin Poots MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Ms Karen Jardine (Senior Assistant Assembly Clerk)  
Mrs Roisin Donnelly (Assistant Assembly Clerk)  
Ms Leanne Johnston (Clerical Supervisor)  
Ms Marianne Doherty (Clerical Officer)
- Apologies: Mr Raymond McCartney MLA (Deputy Chairman)

*The meeting commenced at 2.03 p.m. in public session.*

**1. Apologies**

As above.

**2. Draft minutes of the meeting held on 4 February 2016**

The Committee agreed the minutes of the meeting held on 4 February 2016.

**3. Matters Arising**

- i. The Committee noted a copy of the entry in the Register of Members' Interests for Mr Alex Attwood MLA.
- ii. The Chairman and other Members who had attended up-dated the Committee on the visit to the Glasgow Drug Court. The Chairman indicated that papers relating to the

visit were available in the Committee Office and a short report would be provided for Members' information in due course.

The Chairman advised Members that the draft report on the Justice Innovation work undertaken by the Committee which would be entitled "Justice in the 21<sup>st</sup> Century" would be considered at the meeting on 3 March and the debate would most likely be scheduled for 8 March 2016. The wording of the motion would therefore have to be agreed at the meeting on 25 February 2016.

iii. The Chairman advised Members that a synopsis report of the independent inquiry into the causes and management of the fire at Erne House in Maghaberry Prison had been published. The full report would not be published as it included issues relating to the security of the prison. The Prison Service had however offered an opportunity for the Chairman and Deputy Chairman to view the full report to ensure that nothing of relevance to the issues being considered by the Committee in relation to Maghaberry had been omitted.

*Agreed:* The Committee agreed that the Chairman and Deputy Chairman should view the full report on behalf of the Committee.

iv. The Chairman advised the Committee that he and the Deputy Chairman had viewed the full NI Prison Service Director of Operations monthly visit reports for Maghaberry Prison and were content that nothing of relevance to the issues the Committee was considering had been redacted. The Prison Service had now provided a copy of the redacted visit reports for Members information.

v. The Committee noted the Forward Work Programme until the end of the Mandate which included a number of changes. The Chairman outlined the arrangements for the meeting and the final seminar in the Justice Innovation series on Thursday 3 March at which Lord Neuberger, President of the Supreme Court of the United Kingdom, would be the keynote speaker and asked Members to confirm their availability with the Clerk.

#### **4. Vehicle Immobilisation on Private Land in Northern Ireland – Policy and Legislation**

Ms Julie Wilson, Head of Operations Branch and Ms Doreen McClintock, Operations Branch, Department of Justice, joined the meeting at 2.16 p.m.

*2.20 p.m. Mr Alex Attwood joined the meeting.*

Ms Wilson outlined the policy and legislation relating to Vehicle Immobilisation on Private Land in Northern Ireland.

A detailed question and answer session followed covering issues including: the number of cars that had been clamped on private land in the past 12 months; the number of complaints received in relation to wheel clamping; whether the Department had checked with other agencies including the PSNI, the Citizens Advice Bureau and the NI Trading Standards Service in relation to the number of complaints received about wheel clamping on private land when reviewing the policy in 2014; how the Department determined there was not an issue with malpractice given its lack of knowledge of the number of complaints; who is responsible for monitoring VI operations in Northern Ireland given the SIA has no responsibility or remit to monitor release times and release fees and hold operators to account; the role of the British Parking Association (BPA) in relation to VI;

the sanctions available to the BPA in relation to its members and wheel clamping operations; how hospitals and universities in England and Wales manage parking violations given VI is outlawed in those jurisdictions; the legal implications for individuals who ignore penalty parking notices and parking fines issued for parking on private premises; the responsibilities of the Department of Justice and the Department of Regional Development regarding illegal parking; whether unpaid parking fines impact on an individual's credit rating; why the Department's consultation on VI focussed on malpractice and not the wider principle of whether this practice should continue in Northern Ireland; whether VI is more of a deterrent than a fine; the level of support for the banning of VI in the consultation responses; what plans the Department has to reassess the policy in relation to VI; the definition of private land and whether hospital and university grounds should be considered private land for the purposes of VI; the role of the BPA and who funds it; the disproportionate fines imposed by VI operators; and who has responsibility for parking offences on roadways.

The officials agreed to provide further information on the implications of non-payment of parking fines imposed for parking on private land.

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

*Agreed:* The Committee agreed to write to the Minister of Justice indicating that Members are against the principle of VI, believe that there are problems with how it is operating and recommend that the Department should review whether it is appropriate to allow VI on private land in Northern Ireland.

## **5. Impact and Cost on the Criminal Justice System of Alcohol and Drug Misuse**

Mr Steven McCourt, Acting Deputy Director, Community Safety Division, Department of Justice, Deputy Chief Superintendent Brian Hanna, Head of Reactive and Organised Crime Branch, PSNI, Ms Geraldine O'Hare, Head of Programmes and Interventions, Probation Board NI and Mr Steven Davis, Acting Director of Operations, NI Prison Service joined the meeting at 3.03 p.m.

Mr McCourt outlined the key issues relating to the impact and cost to the criminal justice system of alcohol and drug misuse.

*3.22 p.m. Mr Edwin Poots joined the meeting.*

A detailed question and answer session followed covering issues including: the landscape of drug abuse in Northern Ireland; levels of illegal drug use currently being detected; consideration of adopting 'alternative' models of combined justice and health based solutions in relation to drug and alcohol misuse; the Department's consideration of 'problem solving courts' and whether any progress had been made in this area; how the cost figures of drugs and alcohol misuse in Northern Ireland was compiled; whether there is a requirement for criminal justice organisations to work more collaboratively with health bodies to address substance misuse related to offending behaviour; the location of drug hotspots in Northern Ireland; the extent of organised criminal gangs operating on a cross-border basis; the level of drug related arrests and drug seizures; the correlation between drug smuggling, fuel laundering and other illegal activity; links

between criminal gangs and paramilitaries; the availability of alternative interventions to the court; enhancing opportunities for rehabilitation; public perception that sentences are too light; the relationship between the PSNI and the National Crime Agency; the origin of the crime gangs involved in the distribution of heroin; the relationship between alcohol abuse and violent crime; the number of crime gangs involved in the supply of drugs in Northern Ireland; how the Prison Service addresses the drug and alcohol problems of prisoners; the level of prescription drug use in prisons; and views on the provision of minor injury facilities in the city centre at weekends to divert drunken and disorderly people away from accident and emergency departments.

*4.00 p.m. Mr Stewart Dickson left the meeting.*

The officials agreed to provide further information on a number of the items discussed.

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

## **6. SR 2016/14 The Northern Ireland Police Fund Regulations 2016**

The Committee considered SR 2016/14 The Northern Ireland Police Fund Regulations 2016 which provides for the constitution, functions, procedures and financing of the Northern Ireland Police Fund.

*Agreed:* The Committee considered Statutory Rule 2016/14 The Northern Ireland Police Fund Regulations 2016 and had no objection to the Rule.

## **7. SR 2016/33 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016**

The Committee considered SR 2016/33 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 which will apply certain provisions of the Police and Criminal Evidence (NI) Order 1989 to search and seizure warrants obtained in Northern Ireland under section 352 of POCA for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, and the powers of seizure under those warrants.

*Agreed:* The Committee considered Statutory Rule 2016/33 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 and had no objection to the Rule.

## **8. Draft SR The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016**

The Committee considered Draft Statutory Rule The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016 which will make technical amendments to the Judicial Pensions Regulations (Northern Ireland) 2015 relating to the protection of increases in Guaranteed Minimum Pension after the abolition of contracting-out in April 2016.

*Agreed:* The Committee considered Draft Statutory Rule The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

**9. SL1 The Draft Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2016**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to increase the level of bereavement damages in Northern Ireland in-line with inflation as measured by the latest Consumer Price index rounded to the nearest £100.

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

**10. SL1 Police Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to allow members of the PSNI who are retiring with a protected pension age before 55 or aged 55 or over, to no longer be required to purchase an annuity from their AVC pension provider with effect from 6 April 2015, the beginning of the 2015-16 tax year.

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

**11. SL1 The Modern Slavery Act 2015 (Power of Arrest: Code of Practice) Order (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to bring into operation a Code of Practice to be followed by Northern Ireland constables and enforcement officers when exercising new maritime enforcement powers under Part 3 and Schedule 2 of the Modern Slavery Act 2015.

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

**12. SL1 Draft Legal Aid For Crown Court Proceedings (Costs) (Amendment No.2) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to introduce provisions into the Crown Court to provide remuneration where the circumstances of the case are so exceptional that the costs of presenting the case cannot be properly remunerated under the existing matrix of standard fees.

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

### **13. Legislative Consent Motion on Northern Ireland Provisions in the Criminal Cases Review Commission (Information) Bill – Consideration of Draft Committee Report**

The Committee considered a draft report on the Legislative Consent Memorandum on the provisions in the Criminal Cases Review Commission (Information) Bill that will relate to Northern Ireland and the Legislative Consent Motion to be brought forward by the Minister of Justice.

*Agreed:* The Committee agreed that it was content that the Title page and paragraph 1 which outlines the powers of the Committee stand part of the Report.

*Agreed:* The Committee agreed that it was content that paragraphs 2 to 8 which outline the Criminal Cases Review Commission (Information) Bill and the purpose of the legislation stand part of the Report.

*Agreed:* The Committee agreed that it was content that paragraphs 9 to 15 which outline the Committee's consideration of the LCM stand part of the Report.

*Agreed:* The Committee agreed that it was content that paragraphs 16 to 19 which outline the Legislative Consent Motion stand part of the Report.

*Agreed:* The Committee agreed that it was content that the Appendices stand part of the Report.

*Agreed:* The Committee agreed to publish the report on the Committee webpage and issue the report to all MLAs.

### **14. Psychoactive Substances Act 2016**

The Committee noted information provided by the Department of Justice on the Psychoactive Substances Act 2016 which aims to tackle the manufacture, distribution, sale and supply of psychoactive substances across the UK, including Northern Ireland, and which received Royal Assent on 28 January 2016.

### **15. Update on the Delivery of the Desistance Strategy and Action Plan**

The Committee noted information provided by the Department of Justice on the delivery of its Desistance Strategy and Action Plan which aims to reduce offending and improve outcomes for people in contact with the criminal justice system.

### **16. Correspondence**

- i. The Committee noted a response to its request for further information regarding funding for education provision in the Juvenile Justice Centre and the reduction in staff posts in the Juvenile Justice Agency following the oral evidence session by representatives of Include Youth and the Children's Law Centre on the CJINI Second Report on the Monitoring of the Implementation of the Youth Justice Review.

- ii. The Committee noted correspondence from the Department of Justice advising of the publication of statistical bulletins by the NI Courts and Tribunals Service for the period October to December 2015.
- iii. The Committee noted an invitation from the Minister of Justice to an event on Prison Reform on 2 March 2016 at Hydebank Wood College.

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

- iv. The Committee noted an invitation from the Minister of Justice to the ‘Justice in the Community’ Awards 2016 Ceremony on 2 March 2016 in Parliament Buildings.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wish to attend the Awards Ceremony.

- v. The Committee noted correspondence from the Department of Justice advising of S.R. 2016/23 (C.1) The Coroners and Justice Act 2009 (Commencement No. 2) (Northern Ireland) Order 2016 which introduced Schedule 11 and makes provision concerning witnesses, evidence and related offences at inquests in Northern Ireland.
- vi. The Committee noted a copy of a response from the Minister of Justice to Mr Gavin Robinson MP concerning a legislative preclusion to pursuing an appeal on behalf of a deceased person following a conviction in the Magistrates Court.
- vii. The Committee noted a copy of a response from the Minister of Justice to the Chairperson of the Committee for Regional Development in relation to Schemes to Alleviate Flooding and Storm Water.
- viii. The Committee noted correspondence from the Bar Council providing a briefing paper in relation to the situation regarding the withdrawal of services by both prosecution and defence counsel in the Crown Court following the introduction of the Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2015.
- ix. The Committee noted an invitation to attend a conference on Childhood Acquired Brain Injury on 11 March 2016 at Queen’s University.

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

- x. The Committee noted correspondence from the Northern Ireland Commissioner for Children and Young People providing a copy of ‘Fund-Mapping: The Investment of Public Resources in the Wellbeing of Children and Young People in Northern Ireland’.
- xi. The Committee noted the Criminal Justice Inspection Northern Ireland report on A Follow-Up Review of the Management of Life and Indeterminate Sentence Prisoners in Northern Ireland.
- xii. The Committee noted correspondence from the Probation Board NI providing a copy of a newly launched newsletter designed for sentencers to update them on the work of Probation in Northern Ireland.

- xiii. The Committee noted correspondence from the Northern Ireland Human Rights Commission providing a copy of a first draft of its proposed new Strategic Plan for 2016-2019.
- xiv. The Committee considered correspondence from the Committee for the Office of the First Minister and Deputy First Minister requesting views on a Legislative Consent Motion in relation to the Northern Ireland (Stormont Agreement and Implementation) Bill.

*Agreed:* The Committee agreed to request the views/comments of the Department of Justice on any relevant justice related issues to assist consideration of the LCM.

## **17. Chairman's Business**

None.

## **18. Any Other Business**

A recent ruling by the Supreme Court in relation to the interpretation of the 'joint enterprise' law.

*Agreed:* The Committee agreed to request further information on the ruling and its likely implications.

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

The next Committee meeting will take place on Thursday 25 February 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.21 p.m.

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