



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 26 NOVEMBER 2015
Room 30, 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
Ms Bronwyn McGahan 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 Leanne Johnston (Clerical Supervisor)
Mr Mark O'Hare (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)
- Apologies: Mr Neil Somerville MLA

The meeting commenced at 2.06 p.m. in public session.

The Chairman advised Members that Mr Neil Somerville MLA would be leaving the Committee and thanked him for his contribution to the work of the Committee.

1. Apologies

As above.

2. Draft minutes of the meetings held on 17 November and 19 November 2015

The Committee agreed the minutes of the meetings held on 17 November and 19 November 2015.

3. Matters Arising

- i. The Committee noted that a meeting was scheduled for Tuesday 1 December 2015 at which Mr David McIlveen MLA would attend to outline his proposal for a Private Member's Bill on Reasonable Force - Protection of Life and Property.
- ii. The Committee noted correspondence from the Minister of Justice confirming that he had accepted the Committee's request that the proposed consultation on options for when Statutory Time Limits (STL) should start should also seek views on the proposed length of the STL and questions on the possible length of the various STL options had been incorporated into the consultation document that would issue in the near future.

4. Rationalisation of the Courts Estate – Summary of Consultation Responses and Proposed Way Forward

Mr Ronnie Armour, Chief Executive, Mr Peter Luney, Head of Court Operations and Ms Sharon Hetherington, Head of Finance and Estates, Northern Ireland Courts and Tribunals Service joined the meeting at 2.10 p.m.

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

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

Mr Armour outlined the results of the consultation and the final proposals to rationalise the Courts Estate.

A detailed question and answer session followed covering issues including: what discussions had taken place with the Lord Chief Justice on the final proposals and whether his views remained the same as previously; confirmation that decisions to close courthouses was an operational matter and therefore did not require the consent of the Committee or Assembly; the anticipated cost of upgrading the Old Town Hall Building in Belfast and the timescale for a decision on whether it will become a Family Justice Centre; views that each council area should have its own court; flexibility in the distribution of court business; the suitability of the Old Town Hall Building to house family business; how the closures will impact upon the ability of people to attend court; whether the new travel distances are acceptable; the increased utilisation of the remaining court houses and how this will be managed including listing court hearings in a different way; the utilisation rates of the court houses in Coleraine and Antrim; why the North Eastern Division which has the largest population will only have three court venues if Ballymena Courthouse closes when all other regions will have four court venues; the plans for the court houses that are proposed for closure; the wider justice estate strategy; the definition of a Hearing Centre and the planned limited opening arrangements for the court house in Enniskillen; the impact on citizens given NICTS has no plans to upgrade the facilities in remaining courthouses; details of the targeted consultation by the Minister in relation to the proposed court closure in Lisburn; the impact that the closures will have on the delivery of services; whether the decision to close court houses is based on purely financial considerations; how the Department will fulfil its statutory duties if the closures go ahead; the projected saving of £1.1 million and whether potential damage to the justice system will outway any financial savings; whether the closure of the court house in Armagh diminishes the status of the city; whether maintaining courthouses in Newtownards and Enniskillen is a temporary measure; the costs associated with maintaining closed court houses; the prospects of selling disused courthouses; the increase in travel costs for legal representatives and whether this will increase legal aid costs; whether there will be increased travel costs

associated with the use of expert witnesses including police officers and social workers; whether there are cost implications for the PSNI; disability access concerns in relation to Omagh Court House; the use of level 2 in Laganside and concerns for vulnerable victims and witnesses; the findings of the structural report on the Old Town Hall building; the reasons for the recent capital investment in Ballymena Court House given the proposal to close it; investment in Laganside in relation to Family Courts; plans regarding the disposal of closed court buildings and the potential to rent out the buildings; the requirement to upkeep and maintenance of listed court buildings; the potential for the buildings to be used to accommodate future public inquiries; and whether there will be a staged and incremental approach to the planned closures.

2.58 p.m. Mr Stewart Dickson left the meeting.

3.18 p.m. Mr Sammy Douglas joined the meeting.

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

5. The Justice No.2 Bill – Oral Evidence Session from the Department of Justice on Part 2 – Prison Ombudsman

Ms Rosemary Crawford, Deputy Director, Policing Policy and Strategy Division, Ms Anne McConkey, Head of Probation and Prisoner Ombudsman Branch, Mr Michael Meehan, Probation and Prisoner Ombudsman Branch and Mr Graham Walker, Justice No.2 Bill Manager, Criminal Justice Division, Department of Justice joined the meeting at 3.44 p.m.

Ms Crawford outlined the purpose of Clauses 28 to 40 and Schedule 3 of the Justice No. 2 Bill which covers the Prison Ombudsman, the main issues raised in the written and oral evidence received by the Committee and proposed amendments the Department intends to bring forward.

A question and answer session followed covering issues including: what consideration the Department had given to including the role of the Prisoner Ombudsman in relation to prisoner complaints within the responsibilities of the Northern Ireland Public Services Ombudsman (NIPSO); whether the investigation of deaths in custody was a suitable role for the Prisoner Ombudsman; whether the Prison Ombudsman should have the power to initiate investigations; the role of the Prisoner Ombudsman as part of wider justice oversight arrangements; the costs associated with the Prison Ombudsman's Office; the Prison Ombudsman's access to required skills and expertise; whether the Prison Ombudsman had raised concerns in relation to HMP Maghaberry prior to the CJINI Report of its unannounced Inspection; the role of CJINI and the role of the Prisoner Ombudsman; the operational independence of the Prisoner Ombudsman's Office; the duty to cooperate with the Ombudsman and whether the power to compel witnesses should be provided; benefits of placing the role of the Prison Ombudsman on a statutory basis; whether it would be more appropriate for the Assembly to appoint the Prison Ombudsman; whether a requirement to promote the awareness of the complaints procedure should be included in the Bill; whether the remit of the Prison Ombudsman should extend to the Youth Justice Agency, Juvenile Justice Centre and Probation Board; the remit of the NIPSO in relation to prisoner complaints; the investigation of prisoner healthcare complaints and whether there are clear demarcations of responsibility; whether it would be possible for two Ombudsmen to investigate the same complaint; assessing the effectiveness and efficiency of the work of the Prison Ombudsman; whether Clause 38 is necessary given the Prisoner Ombudsman does not believe it will affect his ability to do his job; the need for protocols between the Ombudsman and the Health Trust; what consideration had been given by the Committee for the Office of the First Minister and deputy First Minister to include the role of the Prisoner Ombudsman

as part of the NIPSO when drafting the Bill; and whether there are target timescales for the completion of investigations conducted by the Prison Ombudsman.

4.23 p.m. Ms Bronwyn McGahan left the meeting.

The briefing was recorded by Hansard.

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

6. Justice No.2 Bill – Oral Evidence from the Department of Justice on Proposed Amendments to Firearms Legislation

Mr Simon Rogers, Deputy Director, Protection and Organised Crime Division and Mr Robert Kidd, Head of Organised Crime, Firearms and Explosives Branch, Department of Justice joined the meeting at 4.45 p.m.

Mr Rogers outlined the proposed amendments the Department of Justice intends to bring forward in relation to the firearms legislation and the main issues raised in the written and oral evidence received by the Committee.

A question and answer session followed covering issues including: the delay in providing the text of the proposed amendments from the Department of Justice; the level of consultation that has taken place with the key stakeholders on the proposed amendments; the views of the PSNI on the draft amendments; what changes the Department has requested on the text of the proposed amendments; an explanation of the proposals regarding gun clubs and shotgun clubs; the current treatment of shotgun clubs; whether the Department's proposals will create a greater burden on gun clubs and introduce additional fees; the existing authorisation and registration system for bullet firing clubs; the latest EU Firearms Directive and minimum standards and what discussions had taken place between the Department and the PSNI; whether the Department's proposals reflect the EU Directive; the certification regime in GB; the inspection and assessment of a dual purpose club; the effect of the proposed amendment in relation to air rifles; clarification in relation to vermin control; the use in GB of conditioning firearms for 'any lawful quarry'; whether the PSNI will adopt this approach and if so would that be a change of policy or practice; the proposed banded system; and the timescale for the introduction of the fee changes.

The Committee noted that further discussions with officials would take place on this issue.

The briefing was recorded by Hansard.

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

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

7. Justice No.2 Bill – Oral Evidence from the Department of Justice on Proposed Amendments to Increase Penalties in the Welfare of Animals Act (Northern Ireland) 2011

Ms Jackie Robinson, Head of Animal Identification, Legislation and Welfare Branch, Department of Agriculture and Rural Development, Mr Graham Walker, Justice No.2 Bill Manager and Mr Andrew McKnight and Mr Billy Stevenson, Criminal Justice Division, Department of Justice joined the meeting at 5.26 p.m.

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

Mr Stevenson outlined the proposed amendments to be brought forward by the Department of Agriculture and Rural Development in relation to the Welfare of Animals Act (Northern Ireland) 2011 and animal cruelty offences.

A question and answer session followed covering issues including: how many cases have been taken under the 2011 Act and of these how many convictions have resulted and how many custodial sentences imposed; whether stronger enforcement measures are necessary; the support for the proposed amendments; whether the proposed amendments are adequate or whether consideration should be given to minimum sentences; whether there are clear sentencing guidelines available in relation to these offences; and the roles of the PSNI, the Councils and the Department of Agriculture and Rural Development with regard to enforcing the legislation and preventing offences.

The briefing was recorded by Hansard.

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

5.34 p.m. Mr Paul Frew left the meeting.

8. SR 2015/362: The Attorney General's Human Rights Guidance (Youth Justice Agency – Restorative Justice) Order (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/362 The Attorney General's Human Rights Guidance (Youth Justice Agency – Restorative Justice) Order (Northern Ireland) 2015 which would bring the Attorney General's guidance for the Youth Justice Agency into operation on 1 January 2016.

Agreed: The Committee considered Statutory Rule 2015/362 The Attorney General's Human Rights Guidance (Youth Justice Agency – Restorative Justice) Order (Northern Ireland) 2015 and agreed that it was content with the Rule.

9. Business Crime Stakeholder Event – Responses from the Minister of Justice and PSNI

The Committee considered responses from the Minister of Justice and the PSNI to its report on the Business Crime Stakeholder Event.

Agreed: The Committee agreed to table a motion on Business Crime for debate in Plenary.

Agreed: The Committee agreed that the wording of the motion would be “*That this Assembly notes the report of the Committee for Justice's Business Crime Stakeholder Event (NIA 283/11-16) and calls on the Minister of Justice to work with the Chief Constable of the PSNI to address the issues highlighted in the report in a comprehensive and speedy manner.*”

10. Consultation on Judicial Review Time Limits – Summary of Consultation Responses and Proposed Way Forward

The Committee considered information provided by the Department of Justice on the result of a consultation on proposals to change the time limits for bringing a judicial review and noted the intention of the Minister of Justice to seek Executive approval to remove the ‘promptly’ requirement for judicial review proceedings and require them all to be brought forward within three months of the reviewed decision.

11. Criminal Records Disclosure: Guidance for Filtering Review Mechanism – Summary of Consultation Responses and Proposed Way Forward

The Committee considered information provided by the Department of Justice on the results of a consultation on draft guidance for the operation of the criminal records filtering review mechanism provided for in the Justice Act (NI) 2015 and the Department's position on the issues raised and noted the revised draft guidance.

12. Correspondence

- i. The Committee noted a response from the Department of Justice providing further information on a range of issues following the oral briefing by officials on the delivery of the Prison Reform Programme on 8 October 2015.
- ii. The Committee noted a response from the Department of Justice providing further information on the original and current proposals following the oral briefings on Legal Aid Reform: Civil Legal Aid Remuneration and progress on developing a standard fee model for family proceedings.
- iii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice no longer intended to make an oral statement to the Assembly on 8 December in relation to Inter-Governmental Agreement on Cooperation on Criminal Justice Matters as the IGA meeting had been postponed.
- iv. The Committee noted a response from the Department of Justice to the Committee's request for a copy of the OECD report on the pilot arrangement for domestic violence cases in Londonderry Magistrates' Court.
- v. The Committee noted a copy of correspondence from the Department of Justice to the Committee for Agriculture and Rural Development in relation to the Rural Needs Bill.
- vi. The Committee considered correspondence from the Department of Justice providing a copy of its response to Mr Neeson regarding wheel clamping legislation in Northern Ireland.

Agreed: The Committee agreed to schedule an oral briefing from Department of Justice officials on this matter.

- vii. The Committee noted a copy of the response from the Minister of Justice to Mrs Sandra Overend MLA to the Public Petition she laid in the Assembly on 28 September 2015.
- viii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had signed a Commencement Order bringing parts of Section II and Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims Act) (Northern Ireland) 2015 which relate to Slavery and Trafficking Prevention Orders into operation on 27 November 2015.
- ix. The Committee considered email correspondence received by a number of Members from an individual in the Criminal Bar Association (CBA) regarding the backlog of cases in the Crown Court as a result of the withdrawal of services by some barristers

and solicitors, the view of the CBA membership that the 2015 Rules are unworkable and the outcome of the recent judicial review.

Agreed: The Committee agreed to refer the correspondence to the Minister of Justice for a response to the issues raised and an update on the current position.

- x. The Committee noted a Criminal Justice Inspection Report of the Quality and Timeliness of Police Files (Incorporating Disclosure) submitted to the Public Prosecution Service.

Agreed: The Committee agreed to refer the report to the NI Policing Board and ask it to consider the findings and recommendations of the report in relation to the PSNI.

13. Chairman's Business

The Chairman advised the Committee that the Senior Assistant Clerk Mr Keith McBride would be moving, wished him well in his new post of Clerk to the Committee for Standards and Privileges and placed on record the appreciation of the Committee for his work, particularly in relation to the Justice Innovation Seminars.

14. Any Other Business

5.47 p.m. Mr Paul Frew joined the meeting.

- i. The Committee discussed on-going issues and the oral evidence sessions on the CJINI Report of an Unannounced Inspection of Maghaberry Prison.

Agreed: The Committee agreed to schedule meetings with the Independent Monitoring Board for Maghaberry, the Prison Governors' Association and the Prison Officers' Association to discuss the issues.

- ii. A Member raised an issue in relation to the identification required when visiting prisons and the Committee noted that he intended to write on the matter.

15. Date and Time of next meeting

The next Committee meeting will take place on Tuesday 1 December 2015 at 1.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 5.52 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice