



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

**Justice Bill: Informal Clause-by-Clause
Consideration**

20 January 2011

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Lord Browne
Mr Thomas Buchanan
Mr Paul Givan
Mr Conall McDevitt
Ms Carál Ní Chuilín
Mr John O'Dowd

Witnesses:

Mr Davis Hughes) Department of Justice
Mr Gareth Johnston)

The Chairperson (Lord Morrow):

We will now return to our informal clause-by-clause consideration. Today, we will cover schedules 1 and 2, which relate to the policing and community safety partnerships (PCSPs) and the district policing and community safety partnerships (DPCSPs) clauses of the Bill. The same issues were raised for both schedules. I invite the departmental officials to the table, and we can refer to them for clarification if necessary.

We will start with paragraph 1 of schedule 1, which is about interpretation. If no one needs any further explanation, we will move on. There were no specific issues with paragraphs 2 and 3, which relate to composition and political members respectively.

Paragraph 4 relates to independent members. Strabane District Council recommended that the Bill should include a clause that states:

“the PCSP shall implement Community Safety initiatives informed by priorities recommended by the Council and that the Council can designate and delegate authority to do so.”

Does either of the officials wish to comment on that?

Mr David Hughes (Department of Justice):

I am not absolutely clear what the council is seeking through its suggestion.

The Chairperson:

I accept that you are at a disadvantage because you do not have the paper that we have. Strabane District Council recommended that the Bill should include a clause that states:

“the PCSP shall implement Community Safety initiatives informed by priorities recommended by the Council and that the Council can designate and delegate authority to do so.”

Mr Hughes:

I think the principle would be that the PSCP would agree as a partnership what the priorities would be rather than specific priorities being set by one of the members without the agreement of the other members. I am not sure that the latter is the way that partnerships ought to work. The council will, of course, have input on the setting of priorities and the objectives of the partnerships as a whole, because its membership will include councillors. Therefore, I am not sure that the suggested clause is necessary to achieve what I think they want to achieve.
[Inaudible due to mobile phone interference.]

The Chairperson:

So, you can see no good reason as to why that should be included?

Mr Hughes:

I am not sure that it would add anything.

The Chairperson:

If no member wishes to add anything, we will move on. The majority of the community safety partnerships (CSPs) recommended that the Justice Committee examine the potential cost savings of councils undertaking the recruitment of the independent members. Members will see in their notes that the Policing Board recognised the costs of recruiting independent members and stated that it is working to reduce the £700,000 cost to a target in the business plan this year of £550,000. The board pointed out that the £700,000 contained a contribution from the NIO but its understanding is that the Department of Justice does not intend to contribute to the cost this time. So, the councils will be asked to pile that on to the ratepayers, is that it? The ratepayers might feel that they are paying enough already. If no member has any comment on that, we will move on.

Coleraine District Policing Partnership (DPP) believes that, for a number of reasons, independent members should receive a nominal allowance. It went on to state the calibre of the people needed for such appointments. Does any member have any comments?

Mr McCartney:

We are supportive, and we want to hear the Department's view as to why there is no remuneration for the members of the partnerships.

Mr Hughes:

That point was made previously. We took it away and we are pursuing the option of an amendment that would enable the partnerships to pay expenses to all members. We had started from the position that, at the moment, members of DPPs receive allowances and members of CSPs receive no allowances with only councillors receiving expenses because the CSPs are committees of councillors whereas the PSCPs will not be part of a council, so councils will not be

in a position to pay councillors' expenses for their participation. Taking that on board, it is, therefore, only fair that councillors, independent members and, where appropriate, the third category of members would also be able to claim expenses for their participation.

Mr McDevitt:

That was fine up to the point when Mr Hughes referred to the third category of members, where appropriate. Will you explain what type of the third category of members would be entitled to claim?

Mr Hughes:

The third category will include representatives of organisations. It may well be that organisations, because it is part of their work, would be able to pay expenses out of their own funds. I do not think that the legislation needs to set out that distinction, because it would be understood that a representative of an organisation would be able to claim expenses from that organisation because they are attending as part of their job. They would be in a different position from someone who is representing an organisation as a volunteer and who, therefore, would not be able to claim expenses. It would not be inappropriate for councils to be funded to pay that person's expenses for their participation in PSCPs.

Mr McDevitt:

Will it be down to the councils to have policies in place to prevent a civil servant, for example, being paid double?

Mr Hughes:

The principles will need to be set out in guidance.

The Chairperson:

Mr Hughes, you said that you are going to propose an amendment. When will we see the wording of that?

Mr Hughes:

It will be in a short time, because I think that the Committee is doing its formal —

The Chairperson:

We will, perhaps, need to have it by next Thursday.

Mr Hughes:

We have that in mind.

The Chairperson:

Good man, thank you.

Mr McCartney:

When you talk about expenses, do you mean per meeting or as it is now with the DPPs?

Mr Hughes:

It is not an allowance in the way that it is with DPPs.

Mr McCartney:

That was my original question. What is the logic behind removing the allowance that was available for DPP members?

Mr Hughes:

We know that CSP members were operating without any allowance. The partnership worked in that way and people were bringing what they had with them. That was not the case with DPPs. In bringing them together, we had a choice of extending allowances to all or not. On balance, we do not think that the work of the partnerships would be compromised by saying that the memberships are not supported by a specific allowance but that, of course, members should not be out of pocket.

Mr McCartney:

I can understand that position. However, if the DPPs were giving people an allowance as an encouragement, if you like, to come forward, by removing it, will you be reducing the pool of people who may come forward, even for the policing committees? It is different for someone

who is already working and whose membership is part of that work, because they can claim expenses from their employer. For an independent member, indeed, even for an elected member, the logic behind the DPPs is being removed. I want to be satisfied that this is not simply a cost-cutting exercise.

Mr Hughes:

I do not think that there was any sense that the contribution that would be made by members or the willingness of members of the public from whatever background to contribute to the work of PCSPs will necessarily be compromised by their not being paid an allowance. There are models of both kinds across the piece, and there are instances of partnerships in which no allowances are paid. It did not seem that the argument for maintaining an allowance was necessarily persistent.

Mr McCartney:

I understand that it may be different elsewhere. Policing committees elsewhere may not have paid allowances, but it was paid here for DPPs for particular reasons. I just do not follow the logic behind removing it.

Mr Hughes:

I think that it is more of a case that it was not clear that there was a strong argument for carrying over the payment of allowances from the DPP model.

Mr McCartney:

Money is left aside for allowances for members of the DPPs.

Mr Hughes:

Budgeted for?

Mr McCartney:

Yes, as we sit today. Therefore, why should that money not be used to pay allowances for members of the new partnerships?

Mr Hughes:

It is because we are setting up the new partnerships under the new terms with new arrangements. In designing the partnerships, it was determined that it was effectively a voluntary partnership but that no one should be out of pocket. That was decided rather than paying allowances.

Mr Gareth Johnston (Department of Justice):

As well as the policing committee, there will be other committees of the partnership and other people who might be contributing just as much of their time or might be losing earnings or whatever. To pay one group and not another would look unfair.

Mr McCartney:

I want to avoid a situation in which members of the partnerships are paid the same allowances as the DPP members are being paid at present. If allowances for current DPP members is budgeted for, the exact amount can be used to pay allowances for everyone on the partnerships. Therefore, it would reduce the allowance but would still give people an incentive.

Mr Hughes:

I take the point that a large amount of the Policing Board's funding goes on DPP members' allowances and that there could be an argument that that money should be reallocated amongst all the members. However, there is also a strong voice being heard that is saying that the amount of money that is being paid for DPPs is primarily spent on administration and allowances and it is being asked whether that is appropriate when the allocation of money should be to front line services.

Mr McCartney:

Where is the "strong voice" coming from?

Mr Hughes:

That was a definite message that was received in the consultation responses.

Mr McCartney:

Was the message that people on those partnerships should not get allowances?

Mr Hughes:

It was not that specific point. It was about money being spent on administration and allowances, which, therefore, was not being used on front line services.

Mr Givan:

I would not draw a distinction between independent members and elected members. I served on a DPP and I found that, in Lisburn anyway, it was elected members as opposed to the independents who were doing a lot more of the front line work with the police and the community. Therefore, if we are doing anything about independent members, it should be on parity with elected members.

The DPPs were supposed to involve two days' work a month. The members would draw their independence from the community and they were supposed to be engaging with the police and the local community. The administration costs was mentioned, but those were for individuals who were supposed to be drawing the support of communities and the police together, which was fundamental, I would have thought. The new body will require considerable commitment from whoever is on it, whether it is the policing element or both. It will be a considerable time commitment and I do not think that you should take it for granted that people will do it voluntarily. There should be no distinction between independent members and councillors. Currently, councillors receive remuneration for their workload, and the DPPs were seen as additional to that. Rural partnerships have been established through the Department of Agriculture and Rural Development, and those have required additional work that elected members have taken on without an allowance. We should not simply take councillors for granted either and assume that they will continue to do more and more based on their current levels of remuneration.

The Chairperson:

OK. Our paper says that the majority of CSPs recommended that the Justice Committee investigate cost savings of expenses compared with the current arrangements. If no one wishes to comment, we will move on.

The CSPs queried whether the demographics of all partners being taken into account would be appropriate. The majority of them recommended that the Committee amend paragraph 4(3) of schedule 1 to read:

“In appointing independent members the Council shall so far as practicable secure that the members of the policing committee (rather than PCSP) are representative of the community in the district.”

If no one wishes to comment on that, we will move on.

There were no issues around paragraphs 5 or 6. Paragraph 7 is about representatives of designated organisations. The majority of CSPs recommended that the Committee look to name agencies in order to place obligation on them to reduce crime and disorder.

The Probation Board for Northern Ireland said that it wished to be named in the Justice Bill as one of the designated organisations. Is there any reason in the world why it should not be?

Mr Hughes:

As was said during the evidence session in December, if the Committee thinks that it would be useful to have a number of specific organisations represented on every PCSP, it would be important that there is a mechanism for listing those organisations that did not require an elaborate process for extending or shortening it. As we have seen in other jurisdictions, that can be quite torturous.

Another issue would be about getting a consensus around which organisations should be included. It would have to be ensured that the number of specified organisations is relatively small if the overall balance of the PCSPs is to be maintained. There are views that elected members should make up the largest number of any group on each partnership. There is also a view that partnerships in different areas should be able to be flexible in designating the organisations that are most appropriate to their districts. It may well be that are two, three or four organisations could be, with their agreement, specified for all partnerships. There would need to be consensus about which ones.

The Chairperson:

Am I right that there is no strong argument that the Probation Board could not or should not be named in the Bill?

Mr Hughes:

Is it the Committee's view that the Probation Board be on every partnership? What other organisations should be included? The police and the Housing Executive would be natural or almost automatic members of a partnership that looks at community safety. However, after that, who should be included? Would the Probation Board necessarily be one of a relatively small number?

The Chairperson:

It was an issue that it felt strongly about. You mentioned the Housing Executive, but the Probation Board might feel that it merits being included just as much as the Housing Executive and others. The more I think about it, the more I am coming round to agreeing with that position.

Mr McDevitt:

Chairman, I agree with you, then. During the evidence session in December, what struck me was the degree to which there appeared to be consensus not just amongst us but amongst those giving evidence. It was clear that there is a specific and small number of organisations that should be at the table to give the partnership integrity. Therefore, why would those organisations not be specified? Specifying them would prevent any partnership, for whatever reason, accidentally excluding an organisation. Secondly, the inclusion of the Probation Board, for example, would strengthen the commitment to look at the totality of community safety and the totality of options and available disposals. I presume that any schedule could be easily amended should the need ever arise. I strongly support the listing of a small and specific number.

Mr McCartney:

If we decided to include the Probation Board, would that need to be done today or during formal scrutiny?

The Chairperson:

We are not making decisions, as such, on this today. We took formal decisions on clauses 1 to 19. We can come back and do it. The Committee can make a recommendation today then formally vote next week.

Mr Givan:

The Probation Board may be one that should be included, but, as the officials said, the police and the Housing Executive may be others. If a small number of organisations are to be specified, we should include the Probation Board in isolation. It may be useful to have an idea which ones may be specified before we start picking one or two.

Mr Johnston:

If that is the Committee's view, there is the question about how that would be done and whether it is appropriate to start to list organisations in the Bill, which could, as David said, be quite cumbersome to amend. The alternative is that it could be picked up in the guidance that will be issued.

Mr Hughes:

If it is contained in guidance, we would have an opportunity to consult more widely as to which organisations should be included in a list. It would also give us the opportunity to get the agreement of the organisations to being on the list. Given the timescale involved, it would be impossible to get that agreement to get it included in the Bill. We would want to suggest an amendment that requires partnerships to specify organisations contained in a list in a code of practice that would be issued by the Department.

The Chairperson:

Will the guidance be statutorily binding?

Mr Hughes:

I am not sure how it will be drafted, but it will be a code of practice. I will have to check.

Mr Johnston:

The expectation is that any of the codes of practice will be followed. Indeed, if they are not followed, that sometimes offers the opportunity to make a legal challenge as to why they were not followed.

Mr McDevitt:

I thought there was a strong consensus at the December meeting about a small and specific number of organisations that should be included. That was an obvious expectation. The thinking was that, if certain organisations were not included, people would wonder why they were not. It does not seem to a hugely complex exercise to list that small and specific group in the schedule and then allow for such other groups as may be required by guidance. Will the officials specify the organisations that they think should be present?

The Chairperson:

That would be helpful.

Ms Ní Chuilín:

That is the point that I was going to make. Also, what is the difference between guidance and codes of practice? If something is a duty, it is clear. If the guidance for that duty was not followed, we could go back to the code of practice. However, if it is not a duty, what is the difference?

Mr Hughes:

I will have to check, but it is probably based on the degree to which it can be enforced. If it is a statutory duty, the court can enforce an authority to do it. In a code of practice that contains guidance, there may well be, in some instances, completely defensible reasons for not following it. However, that would have to be expressed. The expectation would be that that guidance would be followed and, if it was not, it could be challengeable. However, as I said, there may be instances in which whoever is being challenged could defend their decision not to follow the guidance. In this case, if we were to produce a list saying that the partnerships must include representatives of five specific organisations, and one of the smallest districts said that that would skew its membership and decided to take only four of them and include another couple that it

really needed, that would provide an explanation and justification for doing something slightly different.

The Chairperson:

My notes clearly state that the Department was to give further consideration to this matter. Will you be in a position to come back next Thursday with a list of potential organisations that should or may be named in the Bill?

Mr Hughes:

We would probably need to come back very quickly with a draft amendment. If it is the Committee's view that it should be amended, we would need to move quite quickly to do so and any draft amendment would need to include that list.

The Chairperson:

Will you have the list?

Mr Hughes:

Yes, if that is the most straightforward way to get clarity.

Mr Johnston:

There is still a question as to whether the best way is for the legislation to contain that list or for it to say that, in appointing members, the PCSP will have regard to directions issued by the Department or to a code of practice, which would be more easily amended.

The Chairperson:

We will leave it there and move on to paragraph 8, "Removal of members". A number of councils pointed out that consideration should be given to including in the definition of unfit a relationship to attendance criteria, as that would be important in any voluntary partnership. Does anyone wish to comment on that? Do the officials wish to say anything?

Mr Hughes:

Only to say that the terms of the paragraph are the same as those of the existing provisions for

DPPs.

The Chairperson:

Everybody is clear.

Paragraph 9 deals with disqualification. As there are no comments on that, we will move on.

We come to paragraph 10, "Chair and vice-chair". The majority of the CSPs recommended that the Justice Committee re-examine the chair and vice-chair positions. Limavady Borough Council asked the Committee to consider not restricting the positions of chair and vice-chair to elected members in the spirit of true partnership working. It said that other agencies should not be excluded from holding those positions in order to maintain their interest, allow ownership and promote an ethos of shared responsibility within the PCSP. However, by the same token, as many argued contrary to that. Does anyone have a view on that?

Mr Givan:

I am pretty sympathetic to the view that an elected member should hold the position of chair. In the first 12 months, the chair of the policing committee will be the chair of the wider partnership. After 12 months, there could be a different chair. I am curious about whether there is merit in retaining the chair of the policing committee as chair throughout the four-year term for which the partnerships would be active. Obviously, an elected member would then be chair for each of those four years.

Mr Hughes:

We have come to the position that having one elected member and one independent member as chair and vice-chair of the overall partnership is a consequence of sharing the positions between the policing committee and the overall partnership. That councillor/independent combination is a necessary consequence of that. The sense was that it is not necessarily sustainable for the councillor to always be chair, and the argument is why should there not be an independent chair rather than a councillor. However, I think that chairing and vice-chairing should always be shared between the two types of member. In establishing the new partnerships and local ownership, and in underlining the democratic element of the partnership, it was felt that ensuring

that the chair would be a councillor in the first year was an appropriate way to start.

Mr Givan:

I accept the logic of what you are saying. However, I hear no logic as to why years two, three and four should be any different to year one. It should be the councillor who takes the lead in the initial establishment, and I do not see why that position cannot be maintained for the full four-year term.

Mr Hughes:

That would be up to the partnership. The partnership could determine that the chair is a councillor for the full period.

Mr Givan:

Yes, but given the composition of the partnership, councillors are in the minority. Therefore, unless we specify the arrangement at this point, it will be in the hands of the partnership. Given that the council will have a role in identifying the safety aspect needs and that this is the body that will try to tackle and deliver that, is there not merit in retaining the councillor as chair?

Mr Hughes:

I do not think that we want to send the message that the councillor would be the only effective chair of the partnership. The effectiveness of the chair also has to be a factor in the considerations.

Mr Givan:

The other point that I wanted to make relates to the allowances issue that was raised earlier. Currently, the chairpersons of DPPs will receive an enhanced allowance because of the work that they are doing. If I were minded to go down the route of the elected member being chair of the DPCSPs for each of the four years, given the workload involved, would there be provision for the chair of that body to receive a responsibility allowance?

Mr Hughes:

Not as set out in the Bill as it stands. It provides for expenses to be paid.

Mr Givan:

Councils have all their committees and chairs, and they are given a special responsibility allowance. Is there anything stopping an amendment being made stating that, if the council deemed the position of chair to merit a responsibility allowance, it would attract one? Would you have to propose an amendment to the Bill to do that?

Mr Hughes:

It would have to be amended in the Bill. The partnership is not part of the council, so the council itself could not make the payment. It could only be done in the Bill, and there would be resource consequences.

The Chairperson:

Does anyone else want to comment on that?

We will move on to paragraph 11 of schedule 1, which deals with the procedure of the PCSP. Some councils pointed out that:

“a quorum is defined in terms of the PCSP and that to ensure representation, consideration should be given to stipulating the ratio between the Policing Committee members and designated members.”

It was also suggested that the chairman should seek “consensus of agreement” rather than a vote on every question raised within the PCSP. Votes should be taken only on items of particular significance. That chairman could have fun if he wants consensus on everything. He could be there a long time.

Mr O’Dowd:

It would require your skills. *[Laughter.]*

The Chairperson:

No comment.

Are there any comments on the views on a quorum? As there are no comments, I will move on.

Paragraph 12 deals with the constitution of the policing committee. Newtownabbey, Coleraine and Moyle DPPs noted that the payment of allowances to members of the Northern Ireland Policing Board by virtue of schedule 1, paragraph 12 of the Police (Northern Ireland) Act 2000 has not been repealed and that that raises issues of equality between members of the Northern Ireland Policing Board and members of DPPs, and, consequently, the PCSPs. Does anyone have any views on that?

Strabane District Council has said that it would welcome more clarity on the financial contribution that local government will make to the PCSP and on who will pay for recruiting the independent members. Mr Hughes, do you want to comment?

Mr Hughes:

I will come back to the point about the recruitment of independent members, because that has been raised with us. We are not yet there on paragraph 17 and the way in which the partnership is funded. The specific question has been raised. There is a cost attached to the reconstitution and establishment of the partnerships, and that is aside from the funding for the activity of the partnerships. To date, the constitution and reconstitution of DPPs has been funded on a 75%:25% split, just as all costs associated with DPPs are split at present.

As funding for the partnerships is being changed, it is proposed that an amendment should be made to make it clear that the cost of the recruitment and appointment of independent members should still be funded by the Policing Board and councils on a 75%:25% split. That is just to ensure that that particular point is not lost in the overall financial arrangements that the Bill sets out. The issue was also raised at an evidence session, and I know that the Policing Board has done considerable work to reduce overall costs.

The Chairperson:

In the paper, the Department states that:

“We are however minded to suggest an amendment to require a 25% contribution from councils towards the costs associated with both the initial and subsequent appointment of independent members to the PCSP.”

Does anyone wish to comment?

Mr McCartney:

Paragraph 12(3)(b) states:

“that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.”

I wonder whether that is the best way to decide who chairs the committee. Why not use d’Hondt? There could, perhaps, be only three parties on the council. An independent member could claim that he or she is a member of a party.

Mr Hughes:

I think that I am right in saying that an independent member constitutes a party for the purposes of that paragraph. However, I am not absolutely certain of that. The critical point is that we are maintaining arrangements that have been used for DPPs in the arrangements for the policing committee. Therefore, the chairing of the policing committee would follow the same pattern that has been used to date for DPPs.

Mr McCartney:

Is that the pattern?

Mr Hughes:

Yes.

Mr McCartney:

Is that not decided by the council and the DPP?

Mr Hughes:

Paragraph 12(3) sets out precisely how it is currently set out for DPPs in the Police (Northern Ireland) Act 2000. Therefore, it is for the council to ensure who holds the office of chair following that model.

The Chairperson:

Does anyone else wish to comment? Mr Hughes, will you suggest an amendment?

Mr Hughes:

Yes.

The Chairperson:

When are we likely to see it? Will it be next week?

Mr Hughes:

I think it will be, yes.

The Chairperson:

We will move on paragraph 13, which deals with policing committee procedure. Antrim Borough Council, community safety partnership and DPP propose that the establishment of geographically based or issue-based groups should be within the remit of the overall body of the PCSP, so that a joined-up approach to problem-solving at a local level is taken that will deliver the best for local communities. The vast majority of community safety partnerships noted that the appointment of subcommittees should be agreed by the whole partnership to prevent duplication and confusion. Does anyone want to comment on that?

Mr Hughes:

I think that what they are looking for already exists; they are simply looking for it somewhere else. They are looking for it in paragraph 13 when, in fact, it is in paragraph 14. The PCSP, as a whole, may constitute other committees, smaller groups, subgroups and offshoots from the partnership.

The Chairperson:

So it is there. OK.

Strabane District Council recommends that the quorum be broken down and that the number of independent and political members required to make a quorum should be stipulated. Do you want to comment on that?

On voting, Strabane District Council suggests that the Bill should be reworded as follows:

“Every question at a public policing committee meeting shall be determined by a majority of votes of the members present”.

The paper goes on to say that:

“The Council agrees that a more formal approach is required when holding policing committee meetings in public but that normal private meetings do not require a majority vote for every question raised.”

Any comments on that?

As regards paragraph 14, some of the councils pointed out that, to ensure representation, consideration should be given to including a ratio of policing committee members to designated members. Are there any views on that?

Mr Hughes:

The purpose of the paragraph is really to set up the kinds of groups that may be able to address specific issues in specific places and to give the partnership maximum flexibility. We did not think that it was necessary to specify which type of member should sit on them.

The Chairperson:

OK.

Paragraph 15 deals with indemnities. Does anybody wish to comment on that? The paper notes that, in the absence of clarity, Strabane District Council is opposed to paragraph 15.

Mr McCartney:

Strabane District Council says that it is highly unusual for councils to insure any organisation or individuals that they do not have control over or responsibility for. Do you have any views on that?

Mr Hughes:

I was not aware that that was unusual. However, I know that that is already in existence in the way that the DPPs have worked to date.

The Chairperson:

Paragraph 16 deals with insurance against accidents. Strabane District Council has said that, in

the absence of clarity, it is opposed to sub-paragraphs 1 to 4 of this paragraph.

Mr McDevitt:

Mr Hughes, can you clarify whether this is a rollover?

Mr Hughes:

Yes, it is.

The Chairperson:

Paragraph 17 deals with finance. The majority of the CSPs recommend that the Justice Committee amend paragraph 17 to reflect that the two bodies “shall” rather than “may” provide a grant.

Mr Hughes:

We have gone back to the draftsman, and that appears to be perfectly acceptable.

The Chairperson:

Are you tabling such an amendment?

Mr Hughes:

Yes.

I wish to make a couple more points about paragraph 17. The model of financing set out in the legislation as it stands is that the council spends the money and then invoices and the split is 75:25. However, we are proposing to table an amendment that would mean that the PCSPs are funded by drawdown in advance of need in the way that most arm-length’s bodies are. It is simply an administrative arrangement whereby the partnership is funded in advance of rather than following expenditure.

Mr Givan:

What about the 75:25 split?

Mr Hughes:

That would no longer be the case. It would be up to the council to determine how much it wants to add to a grant, and that would be set in advance.

Mr Givan:

Will the Department decide how much to allocate?

Mr Hughes:

The Department and the Policing Board will together determine what the grant to a partnership would be.

Ms Ní Chuilín:

The councils could, therefore, put nothing in.

The Chairperson:

Belfast City Council welcomed the proposal in the schedule to provide financial assistance to councils towards the running of the new partnership arrangements but proposed a change of wording so that paragraph 17 reads “shall” provide assistance rather than “may” provide assistance. Are you happy enough with that?

Mr Hughes:

Yes.

Mr McDevitt:

I understand that Mr Hughes is arguing for an administrative change. However, does he anticipate that the new funding arrangement could lead to a reduction in the amount of cash in real terms that would be available from central government?

Mr Hughes:

I do not think that a change in the way in which the partnerships are funded would necessarily mean a reduction in funding.

Mr McDevitt:

For clarity, then, they will still identify levels of need, so they will effectively be funded in advance, after which it will be up to their local authority to top up as much as they so decide politically.

Mr Hughes:

Yes. In effect, the partnership would produce a costed partnership plan, which would then be brought to the Department and the Policing Board. The joint committee would determine what the —

Mr McDevitt:

The use of the word “shall” indicates that there is a statutory duty on the Department and the Policing Board to fund that costed plan. OK.

The Chairperson:

OK? Let us move on. Paragraph 18 of schedule 1 deals with validity of proceedings; paragraph 19 deals with disclosure of pecuniary interests, family connections, etc.; paragraph 20 deals with joint PCSPs; and paragraph 21 of schedule 1 deals with Belfast PCSP. Do members have any issues with those paragraphs? No?

That is it, folks. We will come back to those elements of the Bill next Thursday, when we will do what we did with clauses 1 to 19 today. Is that clear enough? We will also deal with the policing clauses and the two associated schedules.

Mr McDevitt:

And the amendments?

The Chairperson:

Yes, and the amendments. We will have sight of the wording of the amendments. Thank you for your attendance, gentlemen.