



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 21 JANUARY 2015
Room 21, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
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 Darrah (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Marianne Doherty (Clerical Officer)
Ms Anna McDaid (Assembly Bursary Student)
- Apologies: Mr Stewart Dickson MLA
Mr Chris Hazzard MLA

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

1. Apologies

As above.

2. Draft minutes of the meeting held on 14 January 2015

The Committee approved the draft minutes of the meeting held on 14 January 2015.

3. Matters Arising

- i. The Committee noted an updated Forward Work Programme for January and February 2015 which included the attendance of the Minister of Justice on 28 January 2015 to discuss the 2015/16 Budget Proposals and the Reconstitution of the Northern Ireland Policing Board.

- ii. The Committee considered correspondence provided by Mr Patsy McGlone MLA from a community pharmacist regarding the withdrawal of funding by the Department of Justice for Ballymena Railway Street Addiction Centre and the need to maintain the service and noted that there would be an opportunity to discuss this matter with the Minister of Justice when he attended the Committee meeting on 28 January 2015.

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

4. The Justice Bill – Proposed Amendment by the Attorney General for Northern Ireland – Oral Evidence from the Health and Social Care Board

Mrs Fionnuala McAndrew, Director of Social Care and Children, Mr Alphy Maginness, Director of Legal Services, and Ms Ann Kane, Governance Manager, Health and Social Care Board joined the meeting at 2.06 p.m.

Mr Alban Maginness MLA declared an interest as one of the witnesses was a close family member.

Ms McAndrew outlined the key issues in the Health and Social Care Board's (HSCB) written evidence on the proposed amendment by the Attorney General for Northern Ireland.

A detailed question and answer session followed covering issues including: the difference in the views expressed by the HSCB and the South Eastern Health and Social Care Trust in relation to the proposed amendment; why the HSCB did not believe the amendment would provide clarity regarding the provision of papers; whether the Attorney General should have to make an application to the High Court to exercise the power if the proposed amendment was accepted; examples of the unintended consequences that the HSCB believed may occur if the amendment was accepted; how the coroner is assured that he has received all the necessary information and what safeguards exist to ensure this happens; the criteria used to determine a serious adverse incident;

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

the roles of the Attorney General and the Coroner in relation to Inquests; whether public concern could potentially trigger the Attorney General's interest in a case; the types of reports that must be shared with the Coroner;

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

the intention of the law in relation to the powers of the Attorney General to direct an inquest; the policy intent of the proposed amendment; the purpose of serious adverse incident reports; the potential detrimental impact if reports are used for a purpose for which they were not intended; the difficulties the amendment would present to the Trusts and the Health and Social Care Board; and what difference the amendment would make to the provision of information to the Attorney General.

2.54 p.m. Mr Tom Elliott left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from the Health and Social Care Board for their attendance and they left the meeting.

Agreed: The Committee agreed to commission a research paper on the arrangements in other jurisdictions.

5. Briefing by the Criminal Justice Inspection Northern Ireland on its Report on Policing and Community Safety Partnerships: A Review of Governance, Delivery and Outcomes

Mr Brendan McGuigan, Chief Inspector, Mr William Priestly, Inspector and Mr Stephen Dolan, Inspector, Criminal Justice Inspection Northern Ireland joined the meeting at 3.00 p.m.

Mr Raymond McCartney MLA declared an interest as a close family relative is a serving member of the PCSP in Derry.

Mr Paul Frew declared an interest as a former member of a DPP and a PCSP.

Mr Seán Lynch declared an interest as a former member of a DPP.

Mr McGuigan outlined the key findings and recommendations in CJINI's Report on Policing and Community Safety Partnerships: A Review of Governance, Delivery and Outcomes.

A detailed question and answer session followed covering issues including: how CJINI assessed the performance of PCSPs in achieving their strategic aims; the public view of the work of PCSPs; the challenges in relation to duplication of provision;

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

examples of how PCSPs had worked well; whether PCSPs had made a difference to communities; whether there was a case for not retaining PCSPs and for Councils delivering their functions; the huge administrative costs of a number of PCSPs and who had responsibility for addressing this; the estimated savings if administration costs were reduced to 20%; how to create a situation in which PCSPs can exert greater influence; community planning and opportunities for PCSPs to deliver objectives; how the police are being held to account and monitored by the PCSPs; examples of PCSPs operating in an open and transparent manner;

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

the difficulties caused by a lack of continuity of community police officers; whether the report reflected the views of the PSNI; CJINI's recommendation that Belfast should have one PCSP and DPCSPs are not necessary; and the existing arrangements for Belfast not working.

The briefing was recorded by Hansard.

The Chairman thanked the Chief Inspector and the Inspectors for their attendance and they left the meeting.

6. Briefing by officials in response to the findings of the Criminal Justice Inspection Northern Ireland Report on Policing and Community Safety Partnerships: A Review of Governance, Delivery and Outcomes

Ms Moira Doherty, Deputy Director, Community Safety Unit, Mr Steven McCourt, Head of Partnership Development Branch, Community Safety Unit, Ms Marie Patterson, Partnership Development Branch, Community Safety Unit, Department of Justice and Ms Amanda Stewart, Northern Ireland Policing Board joined the meeting at 4.01 p.m.

Ms Doherty outlined the Department of Justice's response to the findings of the CJINI Report on Policing and Community Safety Partnerships: A Review of Governance, Delivery and Outcomes.

A detailed question and answer session followed covering issues including: why the Department had not accepted the recommendation to reduce the administrative costs associated with the running of the PCSPs to 20%; how the administrative costs had been calculated in the CJINI Report; why the Department did not accept CJINI's recommendation regarding the Belfast District PCSPs; how the Department intends to address the findings of the report if PCSPs and particularly the Belfast PCSP continue in their current form;

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

the timescale for a follow-up review of the CJINI Report to assess the effectiveness of the operation of the PCSPs; whether the performance of each individual PCSPs has been assessed; whether there will be individual meetings with the PCSPs to discuss performance; how sharing of good practice will take place;

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

the work being taken forward by the Department in relation to representativeness and the timescale for this work; examples of the types of work that the PCSPs can undertake that could not be delivered within a council setting; how PCSPs can become more effective; the role of the Joint Committee; how a PCSP can improve community safety by tackling crime and anti-social behaviour; how to ensure that local statutory bodies fulfil their obligations to tackle anti-social behaviour; the importance of discussions with the new Chief Executive Officers; training needs and how these will be addressed; and how to assess the effectiveness or otherwise of PCSPs.

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

The briefing was recorded by Hansard.

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

The Committee noted the CJINI Report on the Police and Community Safety Partnerships and the departmental response to the Report.

7. Policing and Community Safety Partnerships – Local Area Working: Proposals to Achieve Representativeness from April 2015

The Committee considered information provided by the Department of Justice regarding achieving local representativeness following the reduction in the number of Policing and Community Safety Partnerships (PCSPs) from 26 to 11 from April 2015 in line with the

new Council structures arising from the reform of Local Government and noted the Minister's intended approach.

8. SL1s: The Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015 and the Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015

The Committee considered proposals by the Department of Justice for two Statutory Rules to make provision for the disclosure of information which is furnished to the Department of Justice or any court in connection with the case of an individual seeking or receiving representation under a criminal aid certificate or civil legal services and the results of the Department's targeted consultation on the proposed Regulations.

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

9. SL1: The Civil Legal Services (Costs) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice for a Statutory Rule to make provision for costs to be awarded to parties at the end of a civil case in which legal aid has been a feature and the results of the Department's targeted consultation on the proposed Regulation.

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

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

5.01 p.m. Mr Tom Elliott left the meeting.

10. Review of the Law on Unduly Lenient Sentences – Draft Consultation Document

The Committee considered information provided by the Department of Justice on a proposed consultation on a Review of the Law on Unduly Lenient Sentences including the draft consultation document.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results of the consultation are available.

11. Extension of Offence in Domestic Violence, Crime and Victims Act (2004) – Consultation Responses and Next Steps

The Committee considered information provided by the Department of Justice on the results of its targeted consultation on a proposal to extend a provision in the Domestic Violence, Crime and Victims Act (2004) to enable the joint conviction of members of a household who cause or allow a child or vulnerable adult to suffer serious physical harm and the intention to cover the new offence in the Justice Bill.

Agreed: The Committee agreed that it was content with the proposal to include the provision as an amendment to the Justice Bill.

12. Correspondence

- i. The Committee noted a response from the Department of Justice providing further information on engagement with the legal profession on the Civil Legal Aid Remuneration Proposals for Family Cases.
- ii. The Committee considered a response from the Department of Justice regarding correspondence from a Mr A Gill in relation to penalties for breaching a children or family order.

Agreed: The Committee agreed to forward a copy of the Department's letter to Mr Gill for his information.

- iii. The Committee considered a response from the Department of Justice in relation to issues raised by a Mr J White concerning the use of Interviews Under Caution by the Department for Social Development.

Agreed: The Committee agreed to forward a copy of the response to Mr White for his information and to the Committee for Social Development for its consideration given responsibility for the issue falls to the Department for Social Development.

- iv. The Committee considered a response from the Department of Justice regarding Programme for Government Commitment 54 and noted that the information requested on the levels of serious crime in Northern Ireland had not been provided.

Agreed: The Committee agreed to again request the information from the Department.

- v. The Committee noted correspondence from the Department of Justice advising that the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 received Royal Assent on 13 January 2015 and providing a summary of the provisions and commencement dates.

- vi. The Committee considered a response from the Department of Justice to the request for further information on the extent of unpaid fines and the amount that will not be recovered.

Agreed: The Committee agreed to commission research on how fines and enforcements are handled in other jurisdictions to assist further consideration of this matter and the Fines and Enforcement Bill which is due later this year.

Agreed: The Committee agreed to request confirmation of the timescale for introduction of the Fines and Enforcement Bill to the Assembly.

13. Chairman's Business

- i. The Chairman updated the Committee on a meeting he and other Committee Members held with the Anti-Slavery Commissioner, Mr Kevin Hyland on 20 January 2015 during which Mr Hyland outlined further details on his role and experience of combatting human trafficking in the UK and further afield.

Agreed: The Committee agreed to invite the Anti-Slavery Commissioner to brief the Committee the next time he visits Northern Ireland to monitor progress in this area.

- ii. The Chairman advised Members that the results of the consultation on the draft Mental Capacity Bill and justice policy proposals had not yet been provided by the Department of Justice.

Agreed: The Committee agreed to request an update from the Department on when the results and analysis of the consultation will be available and a timetable for the Mental Capacity Bill including confirmation that both the Department of Justice and the Department of Health, Social Services and Public Safety are on schedule to introduce the Bill in the Assembly no later than April 2015.

14. Any Other Business

- i. The issue of the proposed reduction in funding by the Department of Justice for the seven Voluntary Search and Rescue organisations that currently operate in Northern Ireland was raised and the Committee discussed the important work and support to the PSNI provided by the organisations.

Agreed: The Committee agreed to request further information on the proposed funding for these organisations including what consideration the Department had given to using Assets Recovery Proceeds of Crime Funds and adopting innovative funding methods and to indicate that it would raise this issue when the Minister attends the meeting on 28 January to discuss the 2015/16 Budget.

- ii. The correspondence concerning the withdrawal of funding from Ballymena Railway Street Addiction Centre was discussed again and several Members indicated that they would be visiting the Centre.

Agreed: The Committee agreed to forward a copy of the letter to the Department of Justice for information.

Agreed: Members would provide the dates on which they intended to visit the Centre to enable other Members to join the visit if they wished to do so.

15. Date and Time of next meeting

The next meeting will take place on Tuesday 27 January 2015 at 12.45 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 5.15 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice