



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

Justice Bill:
Formal Clause-by-Clause Scrutiny
(Second Session)

8 February 2011

NORTHERN IRELAND ASSEMBLY

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**Justice Bill: Formal Clause-by-Clause Scrutiny
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Members present for all or part of the proceedings:

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

Witnesses:

Ms Nichola Creagh)
Mr David Hughes) Department of Justice
Mr Gareth Johnston)
Mr Dan Mulholland)

The Chairperson (Lord Morrow):

We return to paragraph 10 of schedule 1. We now have the wording of Mr Givan's proposed amendment. The officials and Mr Givan are with us, so we will not get lost with this one.

We know that the Minister is not minded to agree to the amendment. Mr Givan, do you want to comment on your thinking behind it?

Mr Givan:

Yes, thank you. It is a point that I raised previously, and the Committee has been content to allow

it to come to this point. The rationale for what I am suggesting is based on a couple of key issues that I highlighted previously. I am suggesting that the procedure for appointing the chair and vice-chair of the policing community safety partnership should be the same as the procedure for the policing committee. There should be an elected member chairing that body at all times, and elected using the same provision that applies to the policing committee. So, it will be the council that appoints that political member to be chair. That will be done on the basis of the four largest parties following the election. That is the way the district policing partnerships operate. Primarily, democratic accountability is a key issue for that role.

The other issue is also to ensure that councils buy into the process. We are creating legislation that will mean that councils ultimately, if they choose, will not need to contribute a penny to the scheme. I think that locking in the council through an elected member holding the position of chair will put a greater degree of responsibility on the elected members, and they will therefore go to the council and make a stronger case as to why the council should be making a contribution to the role of the committee.

When I was a member of the South Eastern Education and Library Board, elected members were a minority, as they will be in the proposed new bodies. There were obviously relationship problems between elected members and independents. Ultimately, the elected members of all parties — we were all on it — felt disenfranchised, and, for whatever reasons, it did not work. To a certain extent, we were able to shirk our responsibility because we were a minority. My fear is that, for whatever reason, that potential might exist if we do not ensure that an elected member is chair of the body, and those elected members may not buy into the process.

My proposal will give democratic accountability and buy the council into the process by following the same procedure for the appointments of the policing committee. That is why I am proposing the amendment.

Mr A Maginness:

You are talking about the overall chair; would the chair of the policing committee be the same person?

Mr Givan:

No. It could be a different person. Under the legislation, for the first year the chair of the

policing committee will also chair the community safety partnership as a whole, but in the years thereafter, it can be a different person.

Mr A Maginness:

It could be an independent.

Mr Givan:

It can be a different person, but my amendment proposes that it would be an elected representative.

The Chairperson:

Does anyone else wish to comment or ask a question? Can we hear from the Department?

Mr David Hughes (Department of Justice):

The Department is not minded to make the amendment because of the principle that setting up local partnership working is to give increased delegated authority to the local partnerships to make arrangements for themselves. We do not think it is necessarily explicable why independent members should be excluded from chairing the partnership as a whole. Although Mr Givan makes a very cogent case, it is still the Department's position that an independent member should be in a position to chair the overall partnership.

The Chairperson:

Thank you. Mr Givan, do you want to respond to what you have heard?

Mr Givan:

No. I am content that the Department can have that position.

The Chairperson:

Is the Committee agreed on the amendment as put before you today?

Members indicated assent.