



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice (No. 2) Bill: Police Service of
Northern Ireland

5 November 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Sammy Douglas
Mr Paul Frew
Mr Seán Lynch
Mr Alban Maginness
Ms Bronwyn McGahan
Mr Patsy McGlone
Mr Edwin Poots

Witnesses:

Ms Nichola Murphy	Police Service of Northern Ireland
Ms Emma Newell	Police Service of Northern Ireland
Superintendent Sue-Ann Steen	Police Service of Northern Ireland

The Chairperson (Mr Ross): I welcome Superintendent Sue-Ann Steen, Nichola Murphy and Emma Newell. The session is being recorded for Hansard, and the report will appear on the website in due course.

Please deal with Part 1 first, which is "Fines and Other Penalties: Enforcement", and then I will open up the meeting to questions on that. We can move on to other areas of the Bill after that. When you are ready, please address Part 1.

Superintendent Sue-Ann Steen (Police Service of Northern Ireland): Certainly. Thank you very much, Chair. All of our remarks are directed at Part 1.

I start by thanking the Chair for the invitation to provide evidence on the Justice (No.2) Bill. I am head of criminal justice branch in the service improvement department of the PSNI. I am joined by Nichola Murphy, head of PSNI firearms and explosives branch and her colleague Emma Newell.

The Police Service of Northern Ireland welcomes the fine enforcement element of the legislation, which rebalances the system with a less custodial-focused approach. Further to our written submission in September, and by way of exception, I wish to add some comments.

My first comment is on the provisions to improve information access and sharing in the fine collection process. Access to information is key to improvements in the process and to helping to avoid the frustration of same. At the moment, this information is restricted to that which the police can provide.

The experience of the child support and student loans legislation demonstrates the efficacy of access to wider information, such as that held by HMRC and the Department for Social Development (DSD), as is the case with the arrangements in place in England and Wales.

Secondly, I wish to address proposals for a police power of arrest in relation to fine default hearing attendance. Further to our original submission on this matter, I fully acknowledge that it is vital that the criminal justice system is equipped to effectively and lawfully service a notice of a default hearing and that, where committal warrants are issued, the police will enforce these by arrest. However, the Police Service supports the use of court orders with a provision for personal bail to deal with circumstances in which the fine enforcement service cannot complete the personal service of a summons for a default hearing, and it is believed that this is due to non-compliance on the part of the defaulter.

It is also the view of the police that it would be helpful if a presumption existed that a fine sentence of imprisonment would run consecutively, as opposed to concurrently with other unrelated sentences. A concurrent sentence becomes of negligible deterrent value. There should be no perceived incentive for a persistent defaulter to elect for a custodial sentence.

The PSNI also welcomes the proposed changes to firearms licensing and is of the view that full recovery of costs should be the result of a more reflective fee structure. We continue to work through some details with the Department: the responsibilities of the PSNI in administering police-approved clay target clubs, including the process of approving the venue and putting in place any appropriate conditions and the process of how fees collected by dealers would be transferred to the PSNI and linked to the appropriate transaction. The Police Service continues to have ongoing discussions on all these matters with the Department, and my colleagues and I are happy to answer any questions that you may have. If we cannot provide an appropriate response this afternoon, we will, of course, undertake to provide the Committee with one in writing as soon as possible.

The Chairperson (Mr Ross): Thank you very much. I want to ask a question on Part 1, and I suspect that other members may wish to ask questions on foot of that. How much money do you think that moving to the fine collection and enforcement system will save the Police Service of Northern Ireland?

Superintendent Steen: It is estimated that it will save around £1.5 million.

Mr McCartney: Your submission states that there should be no incentive for fine defaulters to opt for prison. I think that most people are in favour of that. Will you please explain what you meant by saying that sentences for fines should be imposed consecutively rather than concurrently? If people are unable to pay, does it compound that?

Superintendent Steen: At the moment, it is commonplace for a fine defaulter who is also serving a custodial sentence for other, unrelated matters to serve the sentence for defaulting at the same time. I suggest that it could be more of a deterrent if that custodial sentence ran after the sentence for unrelated matters had been completed.

Mr McCartney: OK, thank you.

Superintendent Steen: Sorry if that was not clear.

Mr McCartney: No, that is fine. Thank you.

Mr McGlone: It is good to see you again, and congratulations on your elevation.

Superintendent Steen: Thank you, Mr McGlone.

Mr McGlone: I would like you to talk through the issue of approved clay target clubs and how the police would operate the system. What might the legislative form be? What would be a registered club, and what would the police do to register those clubs? Is there a fee for registration?

Superintendent Steen: I will hand over to one of my colleagues, if that is OK.

Ms Nichola Murphy (Police Service of Northern Ireland): I will answer in the context that I have been in post for only a number of weeks. As I am new to the role, I am still getting to grips with the mechanics of the Department and its function.

I am aware that the legislation on fees has been passed, and I am focusing on how to implement that. To the best of my knowledge, the provisions on clay target clubs, the banded system and young shooters have not, but I am working with the DOJ on the practicalities of implementation — the fee structure, how we would potentially audit it and what it would like. That is in process.

Mr McGlone: Are you saying that it is early days or that this has not been thought through?

Ms Emma Newell (Police Service of Northern Ireland): Sorry to interrupt, Mr McGlone. We are waiting for clauses to come back from the Department, as I know are some of the stakeholders. Once they come back, we will be able to work out the practical implications of how we implement them. That will include clubs, the ability for young people —

Mr McGlone: You are saying that this has to be worked through.

Ms Newell: Yes, the practicalities of the implementation. We do not yet have all the nuts and bolts.

Mr McGlone: You are waiting for the Department.

Ms Newell: We are waiting for clauses, and then we will discuss them with DOJ, as will others.

The Chairperson (Mr Ross): Surely you discussed this before the clauses were drafted. Did you not?

Ms Newell: There was some input before drafting. Our acting head of branch at the time, Maura Muldoon, had some input through commenting on the proposals that went forward.

Mr McGlone: Yes, but you do not have anything with clarity on paper from the Department. That is where —

Ms Murphy: Legal counsel has not come back to us. We have provided updates.

Mr McGlone: Maybe I am asking the wrong people, but do you have a time frame for that?

Ms Newell: I am led to believe that it could be in the next week or two. A number of emails over the last number of days have been coming back to DOJ, seeking clarification on a number of points. I hope that it will be in the coming weeks.

Mr McGlone: Do we have officials from the Department before us in three weeks' time?

The Committee Clerk: Yes, on the last Thursday in November.

Mr McGlone: That is what they are coming up about. That is the time frame within which we are working. Emma, you anticipate that it will be within the next week or two.

Ms Newell: Yes, that is when we anticipate getting the feedback from legal counsel.

Mr McGlone: OK. In that case, it would be best to wait until then.

There is one other thing that I want to ask you, Sue, and it is about a practical outworking that has nothing to do with the legislation. You referred to the collection of fees.

Superintendent Steen: Yes.

Mr McGlone: Most of us think about computers and using debit or credit cards to pay bills or fees. Is there any thinking about updating the system at your end to make sure that it is brought into the 21st century?

Superintendent Steen: That is a very good question, and it is quite timely. Recommendations were made by the Public Accounts Committee, which we attended in October, on fine default warrants. One was to seek some form of electronic solution to try to expand the number of ways in which an individual can pay a warrant. The more ways available to do that, the better. We are working with the Northern Ireland Courts and Tribunals Service, which has a payment system whereby you can pay with a credit card or a debit card over the phone. We will trial that next month, with a view to rolling it out across the service.

Mr McGlone: Will that service be offered over the phone?

Superintendent Steen: That will be an option. Initially, we will use a telephone service, and we will then introduce electronic pay points in stations.

Mr McGlone: I will just mark your card. As someone who used to try to tax his car by telephone, I know that, at certain times, you may forget about it. The tax office had only one person answering the phones. It may be all right for an initial period, but, as seasoned experts, you know that there will be peaks and troughs. You would need to have more than one phone when you come to the end of July and August and people are getting ready for 1 September. The same applies to various seasons and the like. Is there any thinking on e-payments?

Superintendent Steen: We are not able to do that at the moment, but it is being looked at. I fully accept that that is the future. My view is that the fewer opportunities there are to handle cash, in order to mitigate the risks of cash handling for everybody involved, the better. We are keen to try to introduce e-payment, but all of that takes time, particularly with technological solutions.

We will start with the phone and pilot that, along with an electronic pay point in a station, and then try to branch out. E-payments are being considered, but they are a little way off. We are working with the Courts Service because they already have the systems in place. The issue is whether we can utilise the technology already in place in the Police Service.

Mr McGlone: It is important to do that because it is the efficient way to do things.

Superintendent Steen: I completely agree.

Mr McGlone: Instead of using fax machines in this day and age.

Superintendent Steen: Absolutely. I agree.

Mr Frew: The first line of the paragraph in your submission on firearm amendments is:

"We continue to consult with the Department in regard to the detail of these proposed changes."

That is all fine and dandy, and that is a lovely wee sentence, but I stress that the PSNI has a very important role to play here. This debacle has been going on for far, far too long. It needs to be resolved, and it will be resolved in this Bill, one way or another. Goodwill has built up here over the last number of months, probably due to the action of some of the MLAs in this room to push it in the Justice (No.1) Bill. We have a real opportunity to get this resolved to the satisfaction of the Department, the PSNI and the stakeholders. You will get support around this table for that. I could pose all sorts of questions on the nature of your consultation with the Department. I could go through all that and find out how many meetings you have had, how long they have lasted and what detail was discussed, but, because of the goodwill that has built up, I will not. However, what I stress to the PSNI is this: do not waste this opportunity. I say that also to the Department: let us see these amendments and clauses, and let us make a deal that suits everyone. I think that we are there, and I do not see why we need more consultation. It was all nearly there on paper in the Justice (No.1) Bill, apart from technicalities and things of that nature. Those can be ironed out very quickly by the legal team, and I believe that it should not have taken this long. I know that that side of things is not your fault, but I ask you please to look at this constructively. With the goodwill that has been built up, let us get this cracked, once and for all. It has been going on for years, and we cannot afford to let it go on. You cannot afford to keep going on like this. Your structures need amended, so let us, hopefully, get it resolved.

I know that we are stuck for time, so I will move on to the issue of young persons. Your submission says:

"We will continue to discuss this matter with the Department in the drafting of the new legislation."

That is fine, but I read elsewhere in your submission that the issue "requires further discussion and consideration." There may well be a fine line here: someone else creates the law, and you, as the Police Service of Northern Ireland, enforce the law and provide the service. What discussions and considerations will there be in the setting of an age and the restrictions imposed on any person with regard to firearms? You will always have an opinion, but, at the end of the day, you are there to enforce a law, whatever it may be.

Ms Newell: The discussions referred to in the submission relate primarily to the implementation of the legislation: how it will work in practice. Under article 9, there is already a facility in legislation for firearms clubs. It is a question of how the use of clay target clubs will fit into that overall legislation: will the format be exactly the same as currently exists for clubs or are additional measures needed? Obviously, if there are two types of club, there is potential for additional work for us and so on. That is the type of practicality that needs to be worked through as we try to reduce the administration without diminishing any of the supervisory or public safety issues.

Mr Frew: OK. I will leave it there, Chair. I hope that progress can be made very quickly.

The Chairperson (Mr Ross): Just before we close on this Part, you are aware that Jim Gamble was here earlier. He made three proposals for slight amendments to the law on the use of sexting and things like that. You were made aware of that earlier in the week. Have you any initial response? Would you support decriminalising the sending of explicit pictures by young people?

Superintendent Steen: I can make a general comment, Chair. Any opportunity to consider measures that safeguard children and young people are worthy of consideration. I had read Mr Gamble's proposals, which he gave evidence on earlier, and there are a number of technicalities within them. Our public protection branch staff are the experts in that subject matter on behalf of our organisation. Unfortunately, a senior representative could not be here this afternoon, and we apologise for that. However, they are very keen to give evidence to the Committee, if you feel that that would be appropriate, and we can certainly arrange that. The police view is that it is important that we have this conversation with you. Mr Gamble made a number of very interesting points that need further discussion. It is important to do them justice, and that can be done with a member of the public protection team. That said, if there are any questions that you wish to ask today, I will certainly consider making a written response as quickly as possible.

The Chairperson (Mr Ross): No, that is fine. The Committee has not yet taken a definitive view. When we do, it will be useful to have a conversation with the police and the prosecutor about whether it would be useful to have that on the statute book.

Superintendent Steen: Absolutely. We would certainly welcome that discussion.

The Chairperson (Mr Ross): Members have no further questions, so thank you all very much.