



Northern Ireland
Assembly

**Assembly and Executive Review
Committee**

**OFFICIAL REPORT
(Hansard)**

**Northern Ireland Act 1998: Review of
Parts III and IV**

20 March 2012

NORTHERN IRELAND ASSEMBLY

Assembly and Executive Review Committee

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Witnesses:

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| Mr Trevor Reaney | Northern Ireland Assembly Secretariat |
| Mr John Stewart | Northern Ireland Assembly Secretariat |

The Chairperson: Members, for this oral evidence session, we have Mr Trevor Reaney, who is Clerk to the Assembly/Director General of the Northern Ireland Assembly, and Mr John Stewart, who is director of clerking and reporting. I propose to ask the Committee Clerk to speak to his memo and to highlight the papers for this session.

The Committee Clerk: Mr Reaney has provided the Committee with a detailed response to its review. It includes a cover letter and Mr Reaney's specific views on some of the key issues in the Committee's call for evidence paper. His views start at page 11 and run through to page 19.

The Chairperson: If members are content, we will ask Mr Reaney and Mr Stewart to join the meeting. You are both very welcome. Neither of you is a stranger to anyone here. When you are ready, feel free to begin.

Mr Trevor Reaney (Northern Ireland Assembly Secretariat): Thank you very much for the opportunity to make a submission to the Committee's review and to address the issues contained in it. I should say at the outset that decisions on the size and structure of the Assembly are for politicians to make as part of the democratic process. However, as professional parliamentary staff, I hope that we can make a contribution to your deliberations.

I do not propose to rehearse the detail of my submission, but I wish to highlight a few issues and make a few general points. My first general comment is on the importance, when considering matters of

strategic significance such as those faced by the Committee, of focusing on opportunities to improve our democratic and governing institutions. In my view, it would be wrong if cynicism and scepticism about political institutions, Governments and politicians were the drivers for how we design and reform our institutions, and it would be wrong if cutting the cost of government were a primary focus.

I have no doubt about the value of these institutions or the role that they have played and continue to play in creating a peaceful, prosperous and stable society. I am sure that they can be improved and that efficiencies can be made in the current economic climate. However, it is vital that as we change and reform our institutions, a focus is retained on the critical role that they play in generating opportunities for economic development, creating employment, ensuring efficient and effective public services, and promoting and protecting the health, safety and well-being of all the people of Northern Ireland.

Politics, politicians and democratic institutions are the vehicle through which we make collective decisions and govern our society. Too often, the benefits of the political system are lost in the cynical and, at times, uninformed opinions that seem to predominate in public comment and debate. Therefore, I am pleased that some have recently spoken in defence of the political system. They include the director of the Institute for Government, Peter Riddell, whose recently published book is entitled 'In Defence of Politicians (In Spite of Themselves)' and Professor Matthew Flinders of Sheffield University, whose book 'Defending Politics' will be published next month. More of those voices need to be heard in this debate.

Mr Campbell: I take it that it will not be a bestseller.

Mr Reaney: That remains to be seen.

In relation to the specific questions posed by the Committee, I am of the opinion that the main implication of the Parliamentary Voting System and Constituencies Act 2011 and any further reduction in the number of MLAs will be a reduction in the amount of Member time available to undertake parliamentary functions. Unless changes are made to Assembly structures and processes that maximise the contributions that Members make to key parliamentary roles and enable Members' time to be used to the greatest effect, that is likely to reduce the capacity of the Assembly and its Members to deliver the full range of functions of the Assembly. That is likely to require significant reform of our current arrangements and careful consideration by Members of how they balance their various roles and prioritise the work that they undertake.

The size of the Assembly is only one of many factors that should be taken into account in determining whether the role and functions of the Assembly can be delivered effectively. Other such factors include the power of the Assembly and this Committee; the representativeness of the Committee system; the operation of parliamentary procedures; the resources available to the legislature; and the relationship between the Assembly and the Executive. Additionally, a range of organisational and management issues will impact on performance.

Another factor that should be considered in deciding the size of the Assembly is the wide scope of matters devolved to the Assembly and the Executive. Following the devolution of policing and justice, the Assembly is responsible for considering a full range of devolved matters. That will be unaffected by any decision on the number of Departments but it may be affected by other ongoing discussions about the further devolution of powers, such as taxation. It is, perhaps, unlikely that there is any obvious optimal size for the Assembly. So the judgement of the Committee is likely to involve ensuring that the combination of solutions that it proposes for the number of Members, how the Assembly organises itself, the procedures and systems that it adopts and the resources and expertise available to support Members, will enhance and support effectiveness.

I want to turn to the issues of litigating and the impact that reducing the number of MLAs will have on the effectiveness of the Assembly in delivering its functions. I think that this is a crucial area. Members have been engaged in valuable representative, scrutiny, policy development and legislative work, and as a new and evolving institution, the Assembly has been changing its processes and procedures to support more efficient and effective operations. However, there is always room for

improvement. In the context of a smaller Assembly, it is my view that significant reform will be required if we are to sustain and improve its effectiveness.

A wide range of issues should be considered as we seek to make the most effective use of Members' time, experience and expertise. For example, seeking to work effectively with the Executive to plan and manage plenary and Committee business effectively will become ever more important. Investing in the further development and enhancement of the skills of Members and their staff would also seem to be a basic area for attention.

As the Committee has quite rightly identified, perhaps the area to which most attention will need to be given, as we sustain effectiveness, is the Committee system. Therefore, I suggest that a reduction in the number of Members should result in a detailed review of the Committee system, including all types of Committees. Such a review would address a number of issues, particularly in the expected context of fewer Statutory Committees with wider scope and, perhaps, fewer Members. Consideration should be given to what needs to be done to enable Committees to retain control of their agenda. Would specific Committees be required to undertake detailed scrutiny of budget and expenditure and/or lead on external liaison and European scrutiny? Also, might it be necessary to consider new innovations within the Committee system to enable the public to put the issues of importance to them on the Assembly's agenda? Is action required to enable Chairpersons of scrutiny Committees to assign more time to that role?

Finally, Members will appreciate that any discussion on streamlining the Assembly and its structures will have an impact on its staff, who are already having to deal with significant budget reductions and provide a wide range of essential and well-regarded services. The Assembly is well served by them, and I wish to see the Assembly Commission's vision of being at the forefront of providing outstanding and progressive parliamentary services being built on for the benefit of the institution and its Committees.

In the paper, I have included further suggestions relating to Committees, but, perhaps, at this stage, I should conclude. I am, of course, happy to answer any questions that members may have. Thank you.

The Chairperson: Thank you for that. I will open the meeting to members' questions in a moment. Your response refers to a number of possible changes to the Committee system. Of those, which two or three would you prioritise to contribute significantly to sustaining the Assembly's effectiveness with a reduced number of MLAs?

Mr Reaney: I mentioned in my response a review of the Committee structure. Although there is a legislative linkage between a Statutory Committee and a Department, no such restrictions apply to Standing Committees. That area warrants some early attention to determine not only how it can be streamlined but whether it can be improved to enhance the work of the legislature. Other institutions, for example, have European committees or specific budget scrutiny committees, and there are other models that might be of value.

I will go back to the point about Members' time and the number of MLA hours available. There is a danger that all sorts of demands and pressures will squeeze important issues off the agenda. Committees need to consider how they structure their agendas to enable them to respond to the legislative demands of the Executive while having time for scrutiny and engagement with the public and the electorate.

Therefore, the two issues are a review of Committees, including Standing Committees, and how Committees conduct their business and prioritise their work.

The Chairperson: Similarly, outside the Committee system, what are the top few changes that you would like to be brought through?

Mr Reaney: I think, Chair, that you would judge many of these issues in relation to the number of MLAs and how they conduct their business. Many of the issues are political, and I would hesitate to stray into those, but I will come back to the issue of time. Obviously, Members spend a large amount of

their time on constituency work. There could be some consideration of how Members prioritise and schedule work according to the days on which there are plenary sittings, the days on which Committees sit and the days available for constituency work. An examination of that in the wider context might assist Members in making best use of their time.

The Chairperson: On page 18 of your submission, you comment that a reduction in the number of Departments is unlikely to affect:

"the legislative and policy output for consideration by the Assembly".

Will you elaborate on that?

Mr Reaney: It is, perhaps, an obvious statement of fact that the delivery of public services and the requirements to govern our society will be unchanged by the size and structure of the Assembly. The public services being delivered will be the same, and the legislative responsibilities of the Assembly will be the same. The scope will not diminish. Indeed, some additional responsibilities may be tasked to the Assembly in the years ahead. So the volume of work to be tackled will not change. The number of Members available may reduce and, therefore, how they go about their work needs to be better prioritised and more streamlined.

Mr McDevitt: Thank you, Trevor and John. Trevor, it is noticeable that you focus more on what we do than on how many of us are doing it, if you follow the logic of my argument. To me, the most interesting stuff in your submission is on the Committee structure. You make a specific recommendation on the possibility of Committees being able to make amendments during Committee Stage. Will you talk us through how that happens in other legislatures?

Mr Reaney: Other legislatures have a facility to make amendments during Committee Stage, which reduces subsequent plenary activity. Some might, perhaps, view that as a more effective way to consider, debate and discuss amendments to legislation rather than doing so on the Floor of the House, which is a much more structured and formal setting. Other legislatures derive benefits from that. John, do you want to provide more detail on that?

Mr John Stewart (Northern Ireland Assembly Secretariat): It is a matter of trying to make the most effective use possible of Committee time when a Bill is at Committee Stage. As members know, a huge amount of work goes into the scrutiny of Bills in the Assembly, and we want to make sure that there is every opportunity possible to make best use of that scrutiny and to make sure that the Bill gets to the Floor of the House in the most appropriate way. We want to look at that in a bit more detail. Perhaps, we could provide the Committee with a more detailed written response on how that is dealt with in other legislatures because, as Trevor said, it is well worth further consideration.

Mr McDevitt: You talk about us organising our time better. That is an institutional observation and, probably, a personal one for all of us. However, do you see real opportunities in the way that we schedule the week's business here to make things more efficient and to make sure that when we are here, we do more legislative work and get distracted a little less by other duties? If so, what are the two or three biggest opportunities for positive change in the organisation of business in the short to medium term?

Mr Reaney: One of the instincts of an elected Member is to respond to everything that comes through his or her door or postbox, and that is then reflected in the work of Committees through the volume of material, submissions, correspondence, witnesses, and so on. There has to come a time when members say, "That is interesting, but we will not invite that witness". Alternatively, perhaps the Chair of the Committee could sift through submissions so that only the most important issues come to the attention of the Committee. The management of the volume of activity is important.

The holy grail is prioritising work. How do you prioritise the issues on which you should spend your time? In every walk of life, whether in managing organisations or in the political world, we all struggle with deciding what are the important issues. We need to have the ability to say, "No, we do not have the time to deal with that because it is not a high enough priority". I appreciate, Chair, that that is

difficult when those on the receiving end of that answer are those to whom, ultimately, you look for future political support.

We could explore those issues further and do more research. We could look at examples of how Committee agendas in other places are more streamlined and how the volume of lower-level issues are screened out and do not appear before Committees.

Mr Stewart: At the beginning of the Assembly, the one-size-fits-all approach to inquiries was labour-intensive and time-intensive. In recent years, our Committees have become more innovative about the way in which they undertake their work and inquiries. We want to encourage even further innovation so that we cut our cloth to fit the time available, particularly the Member time available to undertake inquiries, for instance.

Mr Campbell: I appreciate and understand fully the political implications of changes to the size of the Assembly, and I understand what you said about that, Trevor. Some will say that cost savings are important and others will say that they are less so, but, whatever importance we attach to that, it is important that we know the amount that we are attaching that level of importance to. If 18 constituencies were reduced to 16 and if the number of Members representing each constituency was reduced from six to five, thereby reducing the total number of MLAs from 108 to 80, one presumes that there would be a 28-times saving of salary, office cost expenditure and travel costs. My reckoning is that that would save around £3,250,000. I take it that that is factually correct.

Mr Reaney: One issue that we cannot prejudge is what, by that stage, the Independent Financial Review Panel might say about Members' salaries and the office cost allowance. Based on the current position, the sorts of direct savings you mentioned would accrue; yes.

Mr Campbell: If you add £69,000 in office cost expenditure to £43,000 or £48,000, you come up with around £112,000, which, multiplied by 28, gives just over £3 million, and then travel costs.

You said that "significant reform" would be required. Was that phrase in relation to some of the questions you answered earlier or was it about something else that you have not yet mentioned?

Mr Reaney: It is in the context of all the issues that I mentioned, including reviewing the Committees, the use of Members' time and prioritising work. A continuation of the current system is not doable with a significantly reduced number of Members. There needs to be change, and that is what I was trying to highlight. I do not have anything additional to what I have commented on or put in my written submission.

Mr Campbell: My last question goes back to cost. I know it is hypothetical, but if there were 96 or 80 MLAs, is it correct to say that there would be some savings that are more difficult to quantify in respect of the staffing required to service 80 or 96 Members, rather than 108? I am thinking about finance, IT and other areas. Is that possible to quantify?

Mr Reaney: It is, ultimately, possible to quantify. The Assembly Commission has not yet got into that; its position is to wait to see what the political decisions are. If those decisions are made during this year, there will be at least a two-year lead-in to plan and make those arrangements. The point that I was making in my remarks and in the written submission is that there is the opportunity to use some funds to invest in the effectiveness of the institution. During a recent visit to the Welsh Assembly, I was impressed by the establishment of a team of four staff who are working full time on the professional development of Members and their staff. That is a significant investment on that aspect of trying to enhance the effectiveness of the Welsh Assembly. We, the Assembly Commission and Members collectively need to consider whether there are such issues where investment of resources would be helpful in the longer term. On your basic point, I expect there to be savings. It is a question of how much those might be and whether any savings can be better used to enhance the work of the Assembly.

Mr Beggs: Thank you for your presentation. I want to address the practicalities and outworkings of the Committee system in the context of a reduced number of Members. The number of Members on

Committees could be adjusted appropriately so that we could keep roughly the same model with a smaller number of people, or we could reduce the number of Committees and have a higher number of people. What evidence have you gathered from elsewhere that shows that if a Committee gets too small, it can lose a certain amount of its critical mass and, I dare say, its experience in challenging those who come before it?

Mr Reaney: The Research and Information Service has provided the Committee with various research papers that look at numbers in other places. Is there an ideal size for a Committee? I think that the answer to that is no. It depends very much on the range of work to be done and how that is approached. Is it as low as five, as high as 15, or anywhere between? Those judgements need to be made in the round but taking account of responsibilities, the way in which the work is done, and so on. One of the issues that needs to be considered in a review of Committees is the number of them on which a Member might serve. That consideration relates to the amount of time that they spend in meetings, the amount of preparatory work that they are required to do, the amount of necessary background reading, and so on. It could perhaps be argued that if individual Members are focused on and immersed in a particular area of work, it might ultimately lead to a more effective Committee system. That is only a personal view.

Mr Beggs: You talked about the pressures on Members caused by how and when Committees meet, etc. Because they are at Westminster, some Members do not want to meet in Committee during the week. Others do not want to meet at certain times because some councils meet in the evening and others during the day. Do you agree that that seems to illustrate that some Members are not pressured by time?

Mr Reaney: Chair, I would not wish to stray into judging Members' use of time, other than to say that Members obviously have a range of demands on their time from a number of different sources. I think that it is for the Assembly and individual Committees to work out their own arrangements to suit the maximum number of Members.

Mr Beggs: Do you agree that it is unfortunate that because of time constraints, some Standing Committees and some Statutory Committees meet at the same time as the Assembly? As a result, even this morning, we cannot contribute in the Chamber. Do you agree that that is a practical problem?

Mr Reaney: In an ideal world, that should be avoided. However, it comes down to the competing demands on Members' time, and facilitating those in the best way possible.

Mr Doherty: Thank you for your submission. You talked about the demands and pressures on MLAs and the size and capacity of the Assembly. We have 108 MLAs and that is going down to 96. At what point would the effectiveness and capacity of the Assembly be affected by a reduction in its size? If we fell below 80 to 70 or 60 — whatever — at what figure do you think it would start to become dangerous in respect of the Assembly's capacity to do its work?

Mr Reaney: As I said earlier, I think that it is difficult to say. There is no obvious optimum size. Anecdotal experience from other places suggests that figures as low as 60 make it difficult to populate the necessary Committees. I am thinking of the example of the Welsh model. I hesitate to pin my colours to the mast by giving a specific figure. However, a figure as low as you mentioned — of 50 or 60 — would make it very difficult to operate the Assembly.

Mr Doherty: We are trying to make judgements about the best way forward and we have to take on board the issue of capacity to deliver. Any advice from you about not going below a certain number would be useful, although how you come to that figure is a different issue. You say that 60 is out; would 70 be out?

Mr Reaney: Chair, I hesitate to be drawn on a specific figure, other than to cite my anecdotal experience from another place. As you quite rightly say, it comes down to judgements, which are for Members rather than officials to make.

Mr Doherty: I am interested in your judgement — you have been around this place for a while and you understand it. I just want a sense of that, so we do not produce a report that affects capacity.

Mr Reaney: On a general point, the one thing that Members — and all of us — need to factor in is the amount of constituency time that Members have. A year or two ago, I visited a number of constituency offices to get a feel for what was going on in constituencies. It was very clear that there was demand for that service to be provided. My concern about reducing the number of Members is that they would be drawn further into that work, leaving themselves less available for plenary and Committee time. The fewer the Members, the greater the risk that there will not be enough Members around this table or in a plenary sitting to effectively debate and discuss Assembly business.

Mr Doherty: Trevor, you would make a great politician. *[Laughter.]*

Mr Reaney: I have good masters. *[Laughter.]*

Mr Hamilton: Trevor could not answer Roy's question. However, I reminded Gregory of a man who, when volunteering — or being volunteered — to serve on a Committee, said that he found the best size for a Committee was three, with two always absent. *[Laughter.]*

I have more of an observation for the record, rather than a question for Trevor. It picks up on a point that Roy made. We seem to be almost precious here about having days that are plenary days only and then Committee days and a constituency day. However, that is not the model that operates in Westminster, where Committees run concurrently on whatever days they sit. Any time that I have been in Leinster House, that has not appeared to be the model that they have either. They have Committee meetings on the same days as plenary sittings.

Whether folk like it or not, we are moving to reducing the Assembly to 96 Members as an absolute starter. Therefore, if you have the competing pressures that Trevor identified of increased constituency work versus the pressures here, and a desire to at least have a debate about what is the optimum working week in Parliament Buildings as distinct from in the constituency, it appears that that is nudging us towards at least contemplating more Statutory Committees and Standing Committees sitting on what we now term plenary days.

Chair, there may be a piece of work for us in looking at what is done in Westminster and Leinster House. That would be interesting. The Assembly has undertaken several reviews in the past, so we could draw on that experience. We seem to be quite protective of the model that we have here, which developed almost organically, but it does not seem to be what others do. The general public criticise the effectiveness of every democratic institution, but Westminster and the Dáil do not seem to be dysfunctional in any way because they operate their type of system. We might have to look at that.

Mr Reaney: An MP from another place might know about this better than I do but, in Westminster, not all elected Members serve on the Select Committees. Therefore, there is a capacity of non-Committee Members. We are different in the sense that all Members are committed to Committees.

It is a balancing act. We talk about plenary days and Committee days. However, there is no reason why, for example, on the same day, Committees could not meet in the morning, with a plenary sitting in the afternoon. Other places have different models of how best to manage time. It comes down to what Members collectively find to be the most suitable and beneficial model. We, as a secretariat, will do what we can to support Members in that.

The Chairperson: Perhaps we can have some research done on the points that you made, Simon.

Mr Hamilton: It would be an interesting area to look at.

Mrs Overend: Thank you for your response. I am sorry that I missed the beginning of it. I am thinking about the reduction of MLAs and how that would represent a reduction in cost. Do you think that there would be a direct correlation with the costs of supporting those MLAs? With a reduction in numbers comes an increase in responsibility for MLAs in this Building and in constituencies. Therefore, surely

they will need additional support. Do you agree that there could be a direct correlation in that there could be, in fact, an increase in the number of civil servants to support MLAs?

Mr Reaney: As we touched on earlier, there is a direct correlation in that the direct expenditure on an MLA would change. I was careful not to say that there would be proportionate reduction in the other expenses because I do not think that that would be the case. There will be some reduction, perhaps as volumes of certain transactions to deal with issues might fall, but it is not directly proportional in my view. I think that there is an opportunity to consider investment that will sustain and enhance the future work of the Assembly. That applies equally to constituency work and the administrative support in the Assembly itself.

Mrs Overend: One example is that an MLA will have to cover a larger area. I will leave it at that. Thank you.

Mr Beggs: On the research aspect, Chair, I ask that you ensure that it covers the times that Westminster meets — four days a week — and monitors the numbers that are involved because that has a direct bearing on whether the rest of the House can do business.

The Chairperson: There are no further questions. Trevor and John, thank you for your attendance this morning.

Mr Reaney: Thank you. I wish you well with your review.