

## The Northern Ireland Assembly Commission

Meeting Venue: Parliament Buildings, Room 106

Meeting date: Wednesday, 29 November 2023

Meeting Time: 2.00 pm



Assembly Commission Members:

Alex Maskey, Speaker (Chairperson)

Trevor Clarke MLA

John Blair MLA

Robbie Butler MLA

Nominated Members in attendance:

Sinéad Ennis MLA

Colin McGrath MLA

Officials present:

Lesley Hogg, Clerk/Chief Executive

Steven Baxter, Director of Corporate Services

Tara Caul, Director of Legal, Governance and Research Services

Gareth McGrath, Director of Parliamentary Services

Robin Ramsey, Adviser to the Speaker/Head of Corporate Support

Janet Hughes, Clerical Supervisor

Others in attendance:

Paul Gill, Clerk Assistant (Item 9)

Jonathan McMillen, Head of Legal Services (Items 9 and 13)

David Lynn, Roof Project Manager (Item 10)

Alice McKelvey, Legal Adviser (Item 10)

Ken Eccles, Head of Usher Services/Security (Item 12)

Stephanie Mallon, Clerk Assistant (Item 15)

Peter McCallion, Assembly Clerk (Item 15)

*The meeting commenced at 2.08 pm.*

### 1. APOLOGIES

There were no apologies.

## **2. DECLARATIONS OF INTEREST**

The Speaker declared an interest on behalf of all officials in the Pay Claim 2023 paper at agenda item 11.

## **3. CHAIRPERSON'S BUSINESS**

The Speaker noted that Dolores Kelly had resigned from the Assembly Commission with effect from 4 October 2023. He recorded his thanks and gratitude to Mrs Kelly for her long and valued service to both the Assembly and the Assembly Commission.

The Speaker noted that Mrs Kelly's resignation created a vacancy on the Assembly Commission that cannot be filled until the Assembly has elected a new Speaker and Deputy Speakers. He stated that the Assembly Commission had dealt with this issue previously, and the SDLP had nominated Colin McGrath MLA to attend Assembly Commission meetings until the vacancy could be filled under the protocol previously agreed by the Assembly Commission. The Speaker added that there were now no full Members from the nationalist designation and asked Robin Ramsey to present advice on this.

Mr Ramsey advised that the Assembly Commission has a quorum of three members, not including the Speaker as Chairperson, and that three full Members were therefore required for meetings and decision making.

In relation to the lack of any nationalist representation, Mr Ramsey stated that there was no legal requirement for the Assembly Commission to operate on a cross community basis in relation to its decisions, and the Northern Ireland Act 1998 makes clear that any vacancy in the membership of the Assembly Commission shall not affect the validity of any action of the Assembly Commission.

Mr Ramsey added that, from a political and public perspective, there could be reputational risk if the Assembly Commission was to make any politically controversial decisions at a time when there are no nationalist Members.

Mr Ramsey concluded by stating that the most prudent position for the Assembly Commission to adopt, is for the Speaker to continue with the normal approach of conducting business as much as possible by consensus.

Members were content with this approach.

## **4. MINUTES OF PREVIOUS MEETINGS**

It was noted that the minutes of the Assembly Commission meeting on 21 June 2023 had been approved by correspondence.

## **5. MATTERS ARISING**

There were no matters arising.

## **6. COMMISSION ACTIONS**

Members noted the status of actions.

## **7. CORRESPONDENCE**

Members noted the following items of correspondence:

Speaker's letter dated 26 June 2023 to the unionist party leaders in relation to the erection of a Centenary Stone, their response dated 3 August 2023 and a further letter from the Speaker dated 14 August 2023. The Speaker noted that a paper on this matter was to be considered later in the meeting at agenda item 13.

Speaker's letter dated 7 August 2023 to the Permanent Secretary of the Department of Finance (DoF), in relation to community representation on the Stormont Estate and his response dated 9 August 2023. The Speaker noted that a paper on this matter was to be considered later in the meeting at agenda item 14.

Letter of resignation from the Assembly Commission from Dolores Kelly dated 17 September 2023 and the Speaker's response dated 4 October 2023.

Letter from Jayne Brady, Head of the Northern Ireland Civil Service, dated 6 November 2023 to the Speaker, in relation to the recent event for the US Senior Business Delegation held at Parliament Buildings. The Speaker recorded his thanks to all who participated in this event, which he noted had been very successful and received a lot of positive feedback.

Speaker's letter dated 17 November 2023 to Colum Eastwood MP, in relation to the nomination of a SDLP MLA to attend Assembly Commission meetings. The Speaker formally welcomed Colin McGrath to the meeting.

## **8. CLERK/CHIEF EXECUTIVE UPDATE**

Mrs Hogg noted that her report provided Members with an update on the key issues which had arisen since the last Assembly Commission meeting, and she highlighted the salient points.

### **Management Accounts – October 2023**

Mrs Hogg referred Members to a forecasted financial pressure in relation to Resource DEL previously highlighted at the Assembly Commission meeting on 21 June 2023.

Mrs Hogg advised Members of the current forecasted position in relation to Resource DEL which she noted was now based on a planning assumption of a resumption of normal Assembly business from 1 December 2023.

Mrs Hogg noted that the Assembly Commission was currently carrying 50 staff vacancies.

### **Windsor Framework Democratic Scrutiny Committee Costs**

Mrs Hogg reiterated that all costs associated with the establishment of the Windsor Framework Democratic Scrutiny Committee are new and therefore not within the current Assembly Commission budget for 2023-24 or subsequent years.

### **Update on the Upgrade of Audio and Video Systems in the Assembly Chamber**

Mrs Hogg informed Members that work had completed on the upgrade of audio and video systems in the Assembly Chamber. It was noted that the final cost of the project was higher than that included in the Outline Business Case that was approved by the Assembly Commission at its meeting on 21 November 2021, which Mrs Hogg stated was due to a small number of scope and design changes which were made as the initial requirements were refined and finalised.

### **Update on the Upgrade of Audio and Video Systems in, and Refurbishment, of Committee Rooms**

Mrs Hogg informed Members that work had completed on the upgrade of Audio and Video Systems in, and refurbishment, of Committee Rooms 21, 29 and 30.

Mrs Hogg stated that work on upgrading the Senate Chamber had been delayed due to heritage considerations, but advised that the upgrade would be completed next year.

Mrs Hogg recorded her thanks to all staff and contractors involved with the upgrades to both the Chamber and Committee Rooms.

Robbie Butler MLA raised issues regarding the new chairs in the Committee Rooms and also accessibility. Gareth McGrath advised that steps had been taken which should address both issues.

Colin McGrath raised an issue with the stability of the new tables in the Committee Rooms. Mrs Hogg advised that stabilising blocks were to be fitted, which should address the issue.

### **Staff Utilisation**

Mrs Hogg advised that measures remained in place to maintain readiness for the resumption of normal Assembly business and that the Assembly Commission's broadcasting provision was being kept under review.

### **Holiday Pay Claim**

Mrs Hogg updated Members on the Holiday Pay litigation.

In light of the Supreme Court's judgement on 4 October 2023, Mrs Hogg asked Members to confirm that they were content that resolution of the matter falls within her delegated authority and for her to take the matter forward. Members were content.

### **Blue Flax Restaurant Refurbishment Update**

Mrs Hogg advised that the refurbishment of the Blue Flax restaurant would be undertaken during Summer Recess 2024 in order to minimise disruption for building users.

### **Stationery Supply**

Mrs Hogg confirmed that a new contract for the provision of stationery supplies had commenced earlier in the year and it was noted that under the contract, staff, MLAs and Nominated Party Support staff can place orders online, for direct delivery to either a constituency/Party office or office in Parliament Buildings.

Mrs Hogg advised that staff in two directorates were currently piloting the new ordering system, prior to roll out to Members and Party Support staff.

### **Annual Report and Accounts for the Year Ended 31 March 2023 and the Report to Those Charged with Governance**

Mrs Hogg provided Members with a copy of the Northern Ireland Assembly Commission Annual Report and Accounts for the year ended 31 March 2023, which she advised had been laid in Westminster in July 2023.

Mrs Hogg also provided Members, as requested by the Chairperson of the Assembly Commission Audit and Risk Committee (ACARC), with a copy of the Report to Those Charged with Governance (RTTCWG), produced by the Comptroller and Auditor General. Mrs Hogg advised that two of the three findings referenced in the RTTCWG had been actioned and that the third was in progress.

### **Complaints to the Information Commissioner's Office (ICO) 2023**

Mrs Hogg referred to updates she had provided to Members by correspondence on three complaints to the ICO.

### **Sensitivity Review**

Mrs Hogg referred to an update she had provided to Members by correspondence on the Sensitivity Review being undertaken by staff.

### **Re-naming of Members' Dining Room and Members' Coffee Bar**

In light of misconceptions with the current names of the Members' Dining Room and Members' Bar, Mrs Hogg asked Members to consider whether these venues should be renamed. Mrs Hogg provided some potential options and asked that Members give the matter consideration.

### **Youth Assembly Recruitment**

Mrs Hogg advised that the recruitment process for new Youth Assembly Members had completed.

### **Visitor Experience Team**

Mrs Hogg advised that the Senior Management Team (SMT) had approved the establishment of a dedicated Visitor Experience Team, to further develop public engagement and expand the visitor experience at Parliament Buildings.

*Paul Gill and Jonathan McMillen joined the meeting at 2.49 pm for agenda item 9.*

## **9. DRAFT CORPORATE STRATEGY 2023-2028**

Steven Baxter advised that the Assembly Commission's 2018-2023 Corporate Strategy had expired and sought approval of the draft Corporate Strategy for 2023-2028.

Paul Gill and Jonathan McMillen provided background in relation to the development of the draft Corporate Strategy.

Mr Gill advised that to assist with the development of the new Strategy, the corporate strategies in other legislatures in the UK and Ireland, as well as in a number of Commonwealth countries were examined. Mr Gill highlighted three key findings from this research, i.e. that the document should be short, ambitious and presume normal business.

Mr McMillen advised that a number of workshops had been held with staff earlier in the year, in order to agree and refine the high-level objectives of the Corporate Strategy. Mr McMillen noted that following these workshops a draft Strategy was prepared and considered by SMT in June 2023, prior to being circulated to all staff for consultation.

Mr Gill advised that the draft Strategy has four priorities and he outlined these along with the objectives that underpin each.

Mr Gill noted that the draft Strategy is accompanied by four values of, Excellence, Positivity, Integrity and Collaboration, which he stated will inform the delivery of each priority.

Mr Gill stated that a lot of work had gone into producing the draft Strategy which he hoped would help the Assembly Commission achieve its objectives over the next five years.

Members approved the draft Corporate Strategy 2023-2028, as presented.

*Paul Gill and Jonathan McMillen left the meeting at 3.01 pm.*

*Sinéad Ennis left the meeting at 3.01 pm.*

*David Lynn and Alice McKelvey joined the meeting at 3.01 pm for item 10.*

## **10. DEFECTS IN THE ROOF OF PARLIAMENT BUILDINGS**

David Lynn provided Members with an update on the current position regarding the current legal action in the High Court, in respect of the roof defects in Parliament Buildings.

Mr Lynn advised that defects were reviewed on a regular basis, with ongoing deterioration discussed with the Assembly Commission's legal representatives. With concern continuing to grow in relation to the deterioration in some of the affected areas, Mr Lynn proposed a Schedule of Works was being produced to repair these. Mr Lynn also noted that expert reports had been updated following a re-assessment of the defects.

*Sinéad Ennis re-joined the meeting at 3.04 pm.*

Mr Lynn informed Members of two additional areas where water ingress has now occurred, and he stated that evidence would suggest that this ingress is related to the defects in the roof.

Mrs Hogg informed Members of a proposal to proceed with works to repair and reinstate the high-level stone parapet to the rear of the building, due to increasing health and safety concerns and in order to protect the integrity of the listed building.

Members noted the current position in relation to the potential legal action; the two additional areas of concern and the proposal to proceed with remedial works to the stone parapet.

*David Lynn and Alice McKelvey left the meeting at 3.10 pm.*

## **11. PAY CLAIM 2023**

The Speaker noted that an interest had been declared on behalf of all officials in relation to the Pay Claim 2023. He stated that he therefore intended for Mr Baxter to present the paper and take any queries from Members, before asking officials to leave the meeting to enable the Assembly Commission to have a further discussion. The Speaker added that he had asked Mr Ramsey to remain in order to minute the discussion.

Mr Baxter referred to the Assembly Commission meeting on 21 June 2023, when Members noted the pay claim submitted by the Northern Ireland Public Service Alliance (NIPSA) and agreed with the recommendation to defer making a proposed pay offer until later in the year.

Mr Baxter presented a paper which outlined the key elements of the 2023 pay claim and updated Members on subsequent discussions that had taken place with NIPSA.

*All officials with the exception of Mr Ramsey left the meeting at 3.25 pm.*

Members recognised that they were considering this matter in difficult political circumstances when the Assembly was not sitting. However, Members noted that the Assembly Commission had continued with planned expenditure on the updating of infrastructure and equipment and that while they were accountable for the good use of public resources, they also had to take account of the current economic climate and the pressures on staff arising from the cost of living crisis.

Members also noted that the Assembly Commission was one of the few bodies that was in a position to take a decision on a pay deal at this point. In the context of all parties supporting the case for an increase in salary for other parts of the public sector, it was agreed that if the Assembly Commission was in a financial position to deliver an increased pay deal, it should do. Members acknowledged that the Secretary of State had indicated the availability of additional funds for the Northern Ireland block grant.

*Officials re-joined the meeting at 3.42 pm.*

Members noted their concerns regarding the attractiveness of Assembly Commission salary scales in relation to those of other organisations, the continued difficulty in recruiting to some posts and the impact of ongoing inflation.

Following confirmation from officials that the Assembly Commission's proposed increase could be delivered within the 2023-24 budget and noting the impact on the 2024-25 budget position, the Assembly Commission agreed the following offer in relation to the 2023 pay claim from NIPSA:

- An amendment to the qualifying period for a pay increment from 31 August to 30 September.



- That an increase of the existing allowances outlined in the pay claim, fell outside the pay claim process and could be taken forward by the Clerk/Chief Executive under her delegation.
- A consolidated increase of 4% on all pay points plus a non-consolidated payment of £250-£1,000 for staff at grades AG5 to AG8.
- An increase in the Deputising Allowance rate to 15% of the scale minimum of the post that is being deputised into.

**Action:** Mr Baxter to advise Trade Union Side (TUS) of the Assembly Commission's agreed position in relation to the Pay Claim for 2023.

*Ken Eccles joined the meeting at 3.47 pm for agenda item 12.*

## **12. REVIEW OF SECURITY ARRANGEMENTS FOR MEMBERS**

Ken Eccles referred to the Assembly Commission meeting on 21 June 2023, when in light of recent incidents, Members had asked that a review of security arrangements for MLAs be undertaken.

Mr Eccles advised that in undertaking the review he had consulted with legislatures in the UK and Ireland, and referred Members to a table comparing arrangements across these legislatures.

Mr Eccles outlined actions which had taken place so far in relation to MLA personal security and outlined options for consideration for both MLAs and constituency offices going forward.

Members noted the prevalence of lone working in constituency offices and highlighted this as a particular concern for both MLAs and their staff. It was therefore agreed that more consideration was needed in relation to potential lone working measures.

The Speaker proposed that Members take time to consider the proposals and that they engage with officials directly regarding any specific circumstances or considerations before considering the matter further.

*Ken Eccles left the meeting at 4.09 pm.*

*Jonathan McMillen joined the meeting at 4.09 pm for agenda item 13.*

## **13. PRACTICAL IMPLICATIONS OF THE PROPOSAL FOR THE INSTALLATION COSTS OF THE CENTENARY STONE TO BE COVERED BY EXTERNAL SOURCES**

Mr Ramsey referred to the Assembly Commission meeting on 21 June 2023, when Members agreed a preferred site for the erection of the Centenary Stone but noted that the discussion was paused, as some Members indicated

that they would only give agreement to reach the required consensus if the installation costs were of no cost to the public purse.

Mr Ramsey noted that following communication of the Assembly Commission's position, unionist party leaders had subsequently proposed contributing an amount towards the installation costs, equal to the estimated installation cost for their original proposed site, and also raised queries about practical implications.

Mr Ramsey provided Members with detailed advice in relation to the practicalities of the proposal, as well as the processes required and the potential timelines if a decision was reached to proceed, including the need for planning permission.

Consensus could not be reached on the proposal and the Speaker therefore suggested that the parties would continue discussions.

**Action:** Speaker to update unionist party leaders on the outcome of the discussion.

*Jonathan McMillen left the meeting at 4.34 pm.*

#### **14. CONSIDERATION OF THE DEPARTMENT OF FINANCE CORRESPONDENCE ON COMMUNITY REPRESENTATION ON THE STORMONT ESTATE**

Mr Ramsey noted that, at its meeting on 21 June 2023, the Assembly Commission had agreed to give further consideration to reviewing community representation on the curtilage of Parliament Buildings and that, as this space was extremely limited, engagement was needed with the Department of Finance (DoF) regarding the wider Stormont Estate.

Mr Ramsey confirmed that the Speaker had written to Mr Gibson, Permanent Secretary of DoF, who had advised that there were no plans to add to the existing commemorative installations within the wider Stormont Estate, and had provided a copy of the DoF "Policy on Requests for the Planting of Memorial Trees, Provision of Benches, Plaques or Other Furniture from External Parties" which he advised had been reviewed and deemed fit for purpose in February 2022. The Assembly Commission noted that the policy was limited in scope and was unlikely to provide the potential to address issues of community representation.

Mr Ramsey stated that the review had made recommendations for DoF, under an incoming Finance Minister, to consider some issues further, including the potential role of a cross party review group.

Mr Ramsey noted that Mr Gibson had suggested that it might be helpful for DoF officials to discuss any involvement the Assembly Commission would like in the review of the current Stormont Estate procedures with him.

Members noted that consideration would have to be given to the role of the Assembly Commission in the future if decisions were to be made by a Minister, but Members were content that Mr Ramsey engage with DoF officials to share the experience of the Assembly Commission in addressing community representation with cross party engagement.

*Stephanie Mallon and Peter McCallion joined the meeting at 4.43 pm for agenda item 15.*

## **15. COMPREHENSIVE REVIEW OF THE PIONEER PHASE OF THE NORTHERN IRELAND YOUTH ASSEMBLY**

Stephanie Mallon advised that the Pioneer Phase of the Youth Assembly had drawn to a close on 30 June 2023 and that an interim review of the Pioneer Phase had been presented to the Assembly Commission at its meeting on 21 June 2023.

Ms Mallon informed Members that an extensive recruitment campaign for new Youth Assembly Members (YAMs) had since taken place and that YAMs from the outgoing Youth Assembly had agreed to share lessons learned with the new intake.

Ms Mallon indicated that the new Youth Assembly consisted of an appropriate cross section of YAMs and that the first plenary would take place on 2 December 2023.

Peter McCallion presented and sought Members endorsement of the findings and recommendations from the comprehensive review of the Pioneer Phase of the Youth Assembly.

Mr Butler asked about the retention of the YAMs in the first mandate and Ms Mallon agreed to provide this information following the meeting.

**Action:** Ms Mallon to advise Mr Butler of the number of YAMS in position at the end of the first mandate.

Members endorsed the findings and recommendations of the review.

*Stephanie Mallon and Peter McCallion left the meeting at 4.54 pm.*

## **16. PAPERS ISSUED VIA CORRESPONDENCE**

Invitation to the SDLP to Nominate an MLA to Attend the Assembly Commission Following the Creation of a Vacancy.

## **17. DECISIONS MADE VIA CORRESPONDENCE**

Members noted the following decisions made via correspondence since the last meeting:

**Lighting Requests:**

Childhood Cancer Ireland, 10<sup>th</sup> Anniversary of its 'Light it up Gold' campaign – **Approved.**

Family Fund, 50<sup>th</sup> Anniversary – **Approved.**

One Young World Summit – **Approved.**

Rural Transport Fund and Dial-a- Lift service, 25<sup>th</sup> Anniversary – **Approved.**

To show solidarity with the people of Israel – **Declined.**

**18. AOB**

There was no other business.

**19. DATE OF NEXT MEETING**

The Speaker noted that officials would be in touch with a date for the next meeting and asked Members to remain behind with Tara Caul and Mr Ramsey for a closed session

*The meeting ended at 4.55 pm.*