



Northern Ireland Assembly

COMMITTEE FOR COMMUNITIES

MINUTES OF PROCEEDINGS

Thursday 23 January 2020
Room 29 Parliament Buildings

Present: Paula Bradley MLA (Chairperson)
Kellie Armstrong MLA (Deputy Chairperson)
Andy Allen MLA
Jonathan Buckley MLA
Mark Durkan MLA
Sinead Ennis MLA
Carál Ní Chuilín MLA
Robin Newton MBE MLA
Emma Sheerin MLA

In Attendance: Kevin Pelan (Assembly Clerk)
Sean McCann (Assistant Assembly Clerk)
Antoinette Bowen (Clerical Supervisor)
Oliver Bellew (Clerical Officer)

Apologies:

The meeting commenced in open session at 10:05 am

1. Apologies

There were no apologies to record.

2. Chairperson's Business

Members noted a document outlining the membership of the committee and staff contact details.

3. Declaration of interests

The committee noted a memo from the clerk.

The chairperson advised members that all assembly members are required to register relevant interests in the Register of Members' Interests.

The chairperson drew attention to Standing Order 69(5) and asked members if they had any interests to declare.

The following interests were declared:

Andy Allen MLA declared an interest as a private landlord.

Mark Durkan MLA declared a family interest in licensed premises and hotels.

Carál Ní Chuíln declared an interest as previous DCAL Minister from 2011 to 2016.

The chairperson reminded members that advice and guidance is available from the Clerk of Standards, Room 243, Parliament Buildings.

4. Committee Guidance and Procedures

The committee noted the following items on guidance and procedures:

- A Guide to the Powers and Operation of Statutory Committees for Chairpersons and Members
- A Guide to the role of the Committee Chairperson
- A Guide for Members on the Role and Functions of the Committee Office
- Guidance for handling subordinate legislation

The chairperson drew members' attention to issues in respect of Privilege and Sub-judice.

The chairperson informed members that research papers will be automatically published on the assembly website unless the committee decides otherwise.

Agreed: The committee agreed that Assembly Research papers would be automatically published on the Assembly web site unless the committee decided otherwise.

5. Departmental guidance on timescales for interaction between Assembly Committees and Departments

The committee noted the document 'Departmental guidance on timescales for interaction between Assembly Committees and Departments'.

6. Departmental Organisation Chart

Members noted a Departmental Organisation Chart

Members also noted the wide remit of the department and the importance therefore of prioritising issues for inclusion in the committee's work programme as this is developed.

7. Committee approach to dealing with correspondence and requests for meetings which are not linked to strategic priorities or statutory duties

The chairperson referred members to a briefing paper from the clerk in relation to dealing with correspondence.

Agreed: The committee agreed the suggested approach to dealing with correspondence.

8. Sample protocol on conduct and courtesy in committee meetings

The chairperson referred members to a briefing paper from the clerk in relation to conduct and courtesy in committee meetings.

Agreed: The committee agreed to adopt this protocol to underpin how it conducts its business.

9. Arrangements for committee meetings

The chairperson referred members to a briefing paper from the clerk in relation to arrangements for committee meetings.

The chairperson informed members that it is her intention that committee meetings will be held in open session unless there are compelling reasons not to do so.

Agreed: The committee was content with the arrangements for future meetings.

10. Subordinate Legislation

The committee noted a memo from the clerk in relation to the delegation of technical scrutiny to the Examiner of Statutory Rules.

Question put and agreed:

“The Committee for Communities resolves, under Standing Order 43 to delegate to the Examiner of Statutory Rules the technical scrutiny of statutory rules referred to the Committee under the above mentioned Standing Order. The Committee further resolves that in carrying out this function the Examiner shall be authorised to report her technical findings on each statutory rule to the Assembly and to the relevant Department, as well as to the Committee itself and to publish her report.”

The committee noted a memo from the clerk providing a summary of current subordinate legislation falling under the Department for Communities which is subject to assembly procedure.

11. Correspondence

The committee noted a correspondence memo.

The chairperson drew members' attention to two items of correspondence that made specific requests of the chairperson.

Agreed: The committee agreed to the course of action proposed by the chairperson to address this correspondence.

Agreed: The committee agreed to action all other correspondence as outlined on the correspondence memo.

12. Forward Work Programme

The chairperson referred members to a research briefing paper which detailed the key issues for the Department of Communities as outlined in the New Decade, New Approach document.

The clerk briefed the members on the development of the Forward Work Programme.

Agreed: The committee agreed that the clerk writes to the department to schedule briefings from the Permanent Secretary and each of the Deputy Secretaries at the meeting on 6 February 2020.

The chairperson asked members if they were content explore the possibility of the minister attending committee subsequent to those briefings.

Agreed: The committee agreed to invite the minister to brief the committee at its meeting on 27 February 2020.

The meeting moved into closed session at 10.21 am

13. Oral presentation by the Examiner of Statutory Rules

The Examiner of Statutory Rules briefed the committee and answered members' questions on subordinate legislation.

14. Preliminary Induction

The chairperson invited the clerk to make a presentation on this item and referred members to a briefing paper entitled '*A Guide to the Powers and Operation of Statutory Committees for Chairpersons and Members*'.

15. Procedures for handling subordinate legislation

The chairperson invited the clerk to make a presentation on this item and referred members to a briefing paper entitled ‘*Guidance on handling Subordinate Legislation*’.

The Chairperson adjourned the meeting at 12:08 pm

The Chairperson resumed the meeting in public session at 12:48 pm

16. Consideration of Statutory Rules

The following departmental officials joined the meeting at 12:49pm

Mr David Grimley, Private Rented Branch

Mr Gerry McCann, State and Private Pensions and EU

Ms Doreen Roy, State and Private Pensions

The committee considered the following Statutory Rules in relation to Houses in Multiple Occupation:

SR 2019/32: The Houses in Multiple Occupation (Code of Practice) Regulations (NI) 2019

SR 2019/39: The Houses of Multiple Occupation (Commencement and Transitional Provisions) Order (NI) 2019

SR 2019/34: The Houses in Multiple Occupation (Fees) Regulations (NI) 2019

SR 2019/33: The Houses in Multiple Occupation (Hazards) Regulations (NI) 2019

SR 2019/31: The Houses in Multiple Occupation (Living Accommodation Standard) Regulations (NI) 2019

SR 2019/38: The Houses in Multiple Occupation (Notice of Application) Regulations (NI) 2019

SR 2019/37: The Houses in Multiple Occupation (Space Standard) Regulations (NI) 2019

SR 2019/36: The Houses in Multiple Occupation (Specified Educational Establishments) Regulations (NI) 2019

Members raised a number of concerns regarding the capacity of councils to effectively carry out their duties in relation to enforcement and inspections as detailed in the statutory rules due to limited financial and personnel resources.

Members noted the maximum cost for a HMO licence is £45 per person per annum and queried why the current cost applied by councils is £37 per person per annum.

Members also queried the low level of fixed penalty notices compared to the comparatively high level of inspections.

Members also queried the processes attached to the practical implementation of some of the statutory rules.

Agreed: The committee therefore agreed to write to the department on the following:

- the department should be notified of its concerns regarding the proper resourcing of council to carry out duties in relation to enforcement and inspection duties and an explanation sought as to why charges are not increased to the maximum level;
- to seek reassurance that department would liaise with councils regarding relevant development plans and approaches taken to planning by councils, to ensure there are no contradictions between these matters and the aims of the HMO SRs;
- clarification on the basis on which inspections are initiated, and what accounts for the low rate of fixed penalty notices issued given the comparatively high number of inspections;
- request for a breakdown of the inspections in the 3 cluster areas;
- information on the process by which hazards are identified and reported i.e. to whom are reports are made and what action may be taken, and by whom; and
- to seek information on the process by which accommodation standards are assessed and, should one or more of the 15 standards noted in the SR not be met, what action is taken and by whom.

Agreed: The committee agreed to defer a decision on the statutory rules in relation to Houses of Multiple Occupation until the departmental response to its queries was received and considered.

Departmental officials Doreen Ray and Gerry McCann briefed the committee on a range of statutory rules relating to pensions.

SR 2017/54: The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2017

The Committee considered SR 2017/54 Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2017 which would provide the amounts of the

automatic enrolment qualifying earnings band for the 2017/18 year in line with the lower and upper National Insurance contributions limits for that year. It also specifies rounded figures for the earnings trigger and qualifying earnings band that year.

Agreed: The Committee considered SR 2017/54 Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/52: Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2018

The Committee considered SR 2018/52 Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2018 which would provide the amounts of the automatic enrolment qualifying earnings band for the 2018/19 year in line with the lower and upper National Insurance contributions limits for that year. It also specifies rounded figures for the earnings trigger and qualifying earnings band that year.

Agreed: The Committee considered SR 2018/52 Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2019/30: Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2019

The Committee considered SR 2019/30 Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2019, which would provide the amounts of the automatic enrolment qualifying earnings band for the 2019/20 year in line with the lower and upper National Insurance contributions limits for that year. It also specifies rounded figures for the earnings trigger and qualifying earnings band that year.

Agreed: The Committee considered SR 2019/30 Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/52: The Employers' Duties (Implementation) (Amendment) Regulations (NI) 2017

The Committee considered SR 2017/52 The Employers Duties (Implementation) (Amendment) Regulations 2017 which would clarify when the automatic enrolment duties apply to newly created employers from April 2017. They amend the start date of the AE duties trigger for new employers outside the AE staging profile. They also give such employers the option to defer automatic enrolment, for up to three months, from the date they take on a new worker.

Agreed: The Committee considered SR 2017/52 The Employers Duties (Implementation) (Amendment) Regulations 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/181: The Employers' Duties (Miscellaneous Amendments) Regulations (NI) 2017

The Committee considered SR2017/181 The Employers' Duties (Miscellaneous Amendments) Regulations (NI) 2017 which would amend existing Regulations relating to automatic enrolment to ensure they work as intended for newly created (PAYE and non-PAYE) employers.

Agreed: The Committee considered SR2017/181 The Employers' Duties (Miscellaneous Amendments) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/38: The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (NI) 2017

The Committee considered SR 2017/38 The Occupational and Personal Pension Schemes (Auto Enrolment) (Amendment) Regulations 2017 which would make a technical amendment to the existing Regulations to create a further exception to the automatic enrolment employer duties in consequence of the Finance Act 2016.

Agreed: The Committee considered SR 2017/38 The Occupational and Personal Pension Schemes (Auto Enrolment) (Amendment) Regulations 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/111: The Contracting out (Transfer and Transfer Payment) (Amendment) Regulations (NI) 2017

The Committee considered SR 2017/111 Contracting out (Transfer and Transfer Payment) (Amendment) Regulations 2017 which would make technical amendments to existing Regulations to enable, in certain circumstances, schemes that were contracted-out to make transfers in respect of pensioner members into occupational pension schemes that have not previously been contracted out.

Agreed: The Committee considered SR 2017/111 Contracting out (Transfer and Transfer Payment) (Amendment) Regulations 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/51: Contracting out (Transfer and Transfer Payment) (Amendment) Regulations (NI) 2018

The Committee considered SR 2018/51 Contracting out (Transfer and Transfer Payment) (Amendment) Regulations 2018, which would make technical amendments to existing Regulations to restore the pre-abolition status quo that existed before contracting-out ended. They enable transfers of pension scheme members with contracted-out rights to take place in certain circumstances, without member consent, to newly established salary-related occupational pension schemes that have never been contracted-out (subject to the trustee receiving the necessary actuarial certificate).

Agreed: The Committee considered SR 2018/51 Contracting out (Transfer and Transfer Payment) (Amendment) Regulations 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/57: The Occupational Pension Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations (NI) 2017

The Committee considered SR 2017/57 The Occupational Pensions Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations (NI) 2017 which would make amendments to a number of existing Regulations. They relate to the abolition of contracting-out of the additional State Pension for salary related pension schemes, are in consequence of the new bereavement and support payment, provide for a new fixed rate of revaluation of Guaranteed Minimum Pension (GMP) and provide for the calculation of a lump sum payment for an individual who deferred receipt of their Graduated Retirement Benefit.

Agreed: The Committee considered SR 2017/57 The Occupational Pensions Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/47: The Guaranteed Minimum Pensions Increase Order (NI) 2017

The Committee considered SR 2017/47 The Guaranteed Minimum Pensions Increase Order (NI) 2017 which would specify the percentage by which the guaranteed minimum pension element of an individual's occupational pension entitlement is increased with effect from 6th April 2017.

Agreed: The Committee considered SR 2017/47 The Guaranteed Minimum Pensions Increase Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/42: The Guaranteed Minimum Pensions Increase Order (NI) 2018

The Committee considered SR 2018/42 The Guaranteed Minimum Pensions Increase Order (NI) 2018, which would specify the percentage by which the guaranteed minimum pension element of an individual's occupational pension entitlement is increased with effect from 6th April 2018.

Agreed: The Committee considered SR 2018/42 The Guaranteed Minimum Pensions Increase Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2019/25: The Guaranteed Minimum Pensions Increase Order (NI) 2019

The Committee considered SR 2019/25 The Guaranteed Minimum Pensions Increase Order (NI) 2019, which would specify the percentage by which the guaranteed minimum pension element of an individual's occupational pension entitlement is increased with effect from 6th April 2019

Agreed: The Committee considered SR 2019/25 The Guaranteed Minimum Pensions Increase Order (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/182: Occupational Pension Schemes (Cross-border Activities) (Amendment) Regulations (NI) 2018

The Committee considered SR 2018/182 Occupational Pension Schemes (Cross-border Activities) (Amendment) Regulations (NI) 2018 which would amend existing legislation to implement provisions of Directive (EU) 2016/2341 on the activities and supervision of institutions for occupational retirement provision which relate to the European Union's cross-border pension regime.

Agreed: The Committee considered SR 2018/182 Occupational Pension Schemes (Cross-border Activities) (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/214: The Occupational Pension Schemes (Governance) (Amendment) Regulations (NI) 2018

The Committee considered SR 2018/214 The Occupational Pension Schemes (Governance) Regulations (NI) 2018, which would amend existing legislation to implement provisions of the European Directive (EU) 2016/2341 on activities and supervision of institutions for occupational retirement, which relate to workplace pension scheme governance.

Agreed: The Committee considered SR 2018/214 The Occupational Pension Schemes (Governance) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2019/115: The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations (NI) 2019

The Committee considered SR 2019/115 The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations (NI) 2019, which amend existing legislation to implement provisions of the European Directive (EU) 2017/828 on the long-term shareholder engagement by institutions for occupational retirement provision, which relate to workplace pension scheme stewardship and governance.

Agreed: The Committee considered SR 2019/115 The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2017/232: The Occupational Pensions (Revaluation) Order (NI) 2017

The Committee considered SR 2017/232 The Occupational Pensions (Revaluation) Order (NI) 2017 which would specify the percentage by which preserved pension rights are revalued for members of salary related occupational pension schemes who leave their scheme before pension age (“early leavers”). An Order is made each year to apply to those who attain their scheme’s normal pension age in the following calendar year. This year’s Order affects people who reach the scheme’s normal pension age in 2018.

Agreed: The Committee considered SR 2017/232 The Occupational Pensions (Revaluation) Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/205: The Occupational Pensions (Revaluation) Order (NI) 2018

The Committee considered SR 2018/205 The Occupational Pensions (Revaluation) Order (NI) 2018 which would specify the percentage by which preserved pension rights are revalued for members of salary related occupational pension schemes who leave their scheme before pension age (“early leavers”). An Order is made each year to apply to those who attain their scheme’s normal pension age in the following calendar year. This year’s Order affects people who reach the scheme’s normal pension age in 2019.

Agreed: The Committee considered SR 2018/205 The Occupational Pensions (Revaluation) Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2019/215: The Occupational Pensions (Revaluation) Order (NI) 2019

The Committee considered SR 2019/215 The Occupational Pensions (Revaluation) Order (NI) 2019 which would specify the percentage by which preserved pension rights are revalued for members of salary related occupational pension schemes who leave their scheme before pension age (“early leavers”). An Order is made each year to apply to those who attain their scheme’s normal pension age in the following calendar year. This year’s Order affects people who reach the scheme’s normal pension age in 2020.

Agreed: The Committee considered SR 2019/215 The Occupational Pensions (Revaluation) Order (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2019/92: The Employment Equality (Age) (Amendment) Regulations (NI) 2019

The Committee considered SR 2019/52 The Employment Equality (Age) (Amendment) Regulations (NI) 2019 which would amend existing Regulations to enable integrated pension schemes to continue to take account of the State pension when calculating pension payable, where the member has a State pension later than age 65.

Agreed: The Committee considered SR 2019/52 The Employment Equality (Age) (Amendment) Regulations (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/53: Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations (NI) 2018

The Committee considered SR 2018/53 Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations (NI) 2018 which would amend existing Regulations to require trustees or managers of money purchase schemes (Occupational) to publish scheme transaction costs and administration charges.

Agreed: The Committee considered SR 2018/53 Occupational Pension Schemes (Administration and Disclosure) (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/49: The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations (NI) 2018

The Committee considered SR 2018/49 The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations 2018, which would amend existing Regulations to provide for a deferred debt arrangement to enable an employer in certain multi-employer occupational pension schemes to defer the requirement to pay an employer debt on ceasing to employ an active member, providing the employer meets certain conditions.

Agreed: The Committee considered SR 2018/49 The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

SR 2018/54: The Occupational Pension Schemes (Preservation of Benefit and Charges and Governance) (Amendment) Regulations (NI) 2018

The Committee considered SR 2018/54 The Occupational Pension Schemes (Preservation of Benefit and Charges and Governance) (Amendment) Regulations (NI) 2018 which would make technical amendments to existing Regulations to simplify the conditions which must be satisfied for trustees or managers of pension schemes, or other parties who hold the right, to transfer pension scheme members from one scheme to another without seeking permission of individuals in advance.

They also maintain the protection offered by the cap on member-borne charges in pension schemes used for automatic enrolment into workplace pensions, when members are moved without their active consent.

Agreed: The Committee considered The Occupational Pension Schemes (Preservation of Benefit and Charges and Governance) (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

17. Any Other Business

There was no AOB to record.

18. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 30 January at 10.00 a.m. in Room 30, Parliament Buildings.

The meeting adjourned at 13.59 pm

Ms Paula Bradley MLA
Chairperson, Committee for Communities

