



Northern Ireland
Assembly

Public Accounts Committee

Broadband Investment in Northern Ireland

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Powers and Membership

The Public Accounts Committee is a Standing Committee established in accordance with Standing Orders under Section 60(3) of the Northern Ireland Act 1998. It is the statutory function of the Public Accounts Committee to consider the accounts, and reports on accounts laid before the Assembly.

The Public Accounts Committee is appointed under Assembly Standing Order No. 56 of the Standing Orders for the Northern Ireland Assembly. It has the power to send for persons, papers and records and to report from time to time. Neither the Chairperson nor Deputy Chairperson of the Committee shall be a member of the same political party as the Minister of Finance or of any junior minister appointed to the Department of Finance.

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

Chairperson: Mr William Humphrey MLA

Deputy Chairperson: Mr Roy Beggs MLA

Mr Andrew Muir MLA²

Mr Cathal Boylan MLA

Mr Maolíosa McHugh MLA

Ms Órlaithí Flynn MLA

Mr William Irwin MLA^{1 4}

Mr David Hilditch MLA

Ms Cara Hunter MLA^{3 5}

¹ With effect from 17 February 2020 Mr Harry Harvey replaced Mr Gary Middleton

² With effect from 31 March 2020 Mr Andrew Muir replaced Mr Trevor Lunn

³ With effect from 19 May 2020 Mr Matthew O'Toole replaced Mr John Dallat

⁴ With effect from 21 June 2021 Mr William Irwin replaced Mr Harry Harvey

⁵ With effect from 18 October 2021 Ms Cara Hunter replaced Mr Matthew O'Toole

List of Abbreviations and Acronyms used in this Report

C&AG	Comptroller and Auditor General
PAC	Public Accounts Committee
The Committee	Public Accounts Committee
The Department	Department for Economy
DCMS	Department for Digital, Culture, Media and Sport
NIAO	Northern Ireland Audit Office
NIBIP	Northern Ireland Broadband Improvement Project
BT	British Telecom
LPS	Land and Property Services
SRP	Superfast Rollout Programme
BDUK	Building Digital UK

Executive Summary

1. The Public Accounts Committee ('the Committee') met on 20 January 2022, to consider the reports by the Comptroller and Auditor General (C&AG) on "Broadband Investment in Northern Ireland" and "Contract award and management of Project Stratum".
2. The main witnesses were:
 - Mr Mike Brennan, Accounting Officer, Department for Economy;
 - Mr Nigel Robbins, Project Director – Project Stratum, Department for Economy;
 - Mr Trevor Forsythe, Project Manager – Project Stratum, Department for Economy;
 - Mr David Hamill, Project Manager – Superfast Rollout Programme (SRP), Department for Economy;
 - Mr Andrew Field, Project Director – Project Gigabit, Department for Digital, Culture, Media and Sport;
 - Mr Billy McClean, Area development lead for Northern Ireland, Department for Digital, Culture, Media and Sport;
 - Mr Kieran Donnelly, Comptroller and Auditor General; and
 - Mr Stuart Stevenson, Treasury Officer of Accounts, Department of Finance.
3. The Committee welcomes the fact that in terms of the fastest broadband speeds Northern Ireland currently leads the way compared to Great Britain with considerable investment from telecoms firms in mainly urban areas. However, at the other end of the scale Northern Ireland's more rurally based population has meant that the Department for the Economy has been required to intervene to support broadband investment in those areas. It has done this over several projects starting in 2009 with Next Generation Broadband and then later with NI

Broadband Improvement Project (NIBIP) and the Superfast Rollout Programme (SRP2).

4. More recently the Department has made its largest investment of around £200 million in Project Stratum which is aiming to bring full fibre broadband to a large number of the premises in Northern Ireland which currently have the lowest broadband speeds.
5. While this is encouraging, and the Audit Office report welcomes some of the positive steps that have been taken by the Department in the procuring of Project Stratum, the Committee does however have a number of concerns across the project, which include:
 - The use of a formula to award 30 of the total 100 marks available. This was used to award the scores for the coverage proposed by each of the bids and was simply based on the percentage coverage proposed multiplied by the 30 marks available. We consider this formula to be clearly unsophisticated and inadequate for such a large and important contract. The result was that despite Fibrus only proposing to cover 97 per cent of the intervention area, it only lost one mark despite the cost of delivering fibre broadband to those left out being estimated at £24 million.
 - Approximately 6,000 eligible properties were erroneously excluded from the Project Stratum contract due to issues with the Department's use of the LPS Pointer Product System and this was only identified after the contract had been awarded to Fibrus.
 - Despite the funding available under Project Stratum, the Department were unable to confirm that it would result in 100 percent of premises in Northern Ireland having access to even the most basic¹ broadband provision.
 - Shortly after Fibrus had been announced as the successful bidder for Project Stratum, BT notified the Department that it intended to invest in improving broadband to around 16,000 premises that had been included

¹ 'basic' broadband is defined in September 2020 as speeds of greater than 2Mbps

in the original target intervention area for Project Stratum. This is concerning as it could indicate that this part of the project could have been commercially viable on its own without the public investment.

6. There are also important concerns in relation to the earlier NI Broadband Improvement Project and SRP2 project which were delivered by BT:
 - In the NIBIP business case the Department had estimated that it expected to improve broadband access for 117,000 premises. In fact, the actual outcome was only 37,500 premises. This level of error in estimation is unacceptable. In addition, the project used the national framework on which BT was the only bidder. Despite the fact that the Department was able to benchmark against other projects in Great Britain, the Committee considers that it is not possible to be sure that value for money was achieved on this project.
 - The rates at which customers took up and paid for the improved broadband services under NIBIP and SRP2 were considerably higher than had been anticipated and due to a clawback mechanism in the contract a repayment is due from BT to the Department of around £14 million. This clawback mechanism is very welcome but the fact that it is so high may indicate that the projects were already commercially viable and perhaps the public investment could have been made elsewhere. The clawback is due to be received in 2023 and 2024.
7. Following on from these concerns there are a number of recommendations which should now be addressed by the Department.

Summary of Recommendations

Recommendation 1

8. The Committee recommends that in future contracts the use of any automated formula is carefully considered to ensure it is appropriate and will give a score which is commensurate with the objectives of the procurement. This should involve a consideration of scoring methodologies used by Centre's of Procurement Excellence (COPE's) across all government contracts.

Recommendation 2

9. It is recommended that for any future exercises by all Departments which requires access to databases containing the addresses of premises, more effective liaison is carried out at an early stage with Land and Property Services to ensure that the information being provided is the most relevant information available and that any limitations of the data are fully understood.

Recommendation 3

10. It is recommended that in any future consultation exercise such as this, where the public are effectively being asked to confirm the completeness and accuracy of project assumptions, greater efforts should be made to promote awareness of the consultation.

Recommendation 4

11. It is recommended that LPS closely review how it maintains its pointer system to ensure that it is as accurate as possible and that as part of this improved arrangements are put in place to ensure that all information providers, particularly district councils, provide their information on as timely a basis as possible.

Recommendation 5

12. When providing evidence to the Audit Office as part of its enquiries it is recommended that Departments are as open and transparent as possible and share relevant information, even if it is not specifically asked for.

Recommendation 6

13. It is recommended that the Department urgently identify those properties that will still not have access to even basic broadband services at the end of Project Stratum and put arrangements in place to ensure that their needs are addressed. In the case of those who could not be included because they currently receive a basic service from a wireless provider, these should be clarified quickly and if they cannot be provided with faster broadband they should be added to the list of premises to be improved under Project Stratum.

Recommendation 7

14. The Committee recommends that in any future project the Department examines if there is any way that it might be able to better protect itself, and the integrity of its broadband projects, by limiting the potential for commercial operators to change their plans within a short period.
15. It is also recommended that the Department closely monitor the potential for overbuild and take steps to de-scope properties promptly if it sees a risk of that happening.
16. The 900 properties which have now been excluded from Project Stratum because the planned investment by BT is no longer happening should either now be included in the project or have some other process identified for improvement within the same timescale.

Recommendation 8

17. The Department should urgently investigate why no competitors have come forward to use the network funded by Project Stratum. It also needs to ensure that the fibre network it has paid for is made available to competitors at a fair rate so as to ensure reasonable prices for consumers.

Recommendation 9

18. Based on the experience from the Northern Ireland Broadband Improvement Project provided by BT, it is recommended that in any future scheme the Department needs to be much more robust in its estimates of how much benefit

they expect from its investment. It would then be in a position to challenge the contractor about any differences and better assess value for money.

Recommendation 10

19. Clawback is due from BT on both the Northern Ireland Broadband Improvement Project and SRP2 project. It is recommended that the Department closely monitor the dates for repayment of the clawback amounts and ensure that the funds are received as expected. As far as possible this money should be used for further broadband improvements in Northern Ireland.

Introduction

20. The Public Accounts Committee met on 20 January 2022 to consider the Comptroller and Auditor General's (C&AG's) report "Broadband Investment in Northern Ireland". The main witnesses were:
 - Mr Mike Brennan, Accounting Officer, Department for Economy;
 - Mr Nigel Robbins, Project Director – Project Stratum, Department for Economy;
 - Mr Trevor Forsythe, Project Manager – Project Stratum, Department for Economy;
 - Mr David Hamill, Project Manager – Superfast Rollout Programme (SRP), Department for Economy;
 - Mr Andrew Field, Project Director – Project Gigabit, Department for Digital, Culture, Media and Sport;
 - Mr Billy McClean, Area development lead for Northern Ireland, Department for Digital, Culture, Media and Sport;
 - Mr Kieran Donnelly, C&AG; and
 - Mr Stuart Stevenson, Treasury Officer of Accounts, Department of Finance.

Background

21. Telecommunications is a UK reserved matter. As a result, it has not been devolved to the Northern Ireland Executive but is controlled centrally by the UK Department for Digital, Culture, Media & Sport (DCMS). Building Digital UK (BDUK), a directorate within DCMS, has responsibility for the management, governance and oversight of programmes delivering improved broadband across the UK.
22. Under the Communications Act 2003, the Department for Economy has limited powers to intervene in cases where there is evidence of market failure. Using this power, in the eleven years prior to 2020, the Department for the Economy ('the Department') had invested £78 million in three projects to improve broadband provision across Northern Ireland:
 - 2009 - Next Generation Broadband (NGB)
 - 2012 - NI Broadband Improvement Project (NIBIP)
 - 2015 – Superfast Rollout Programme phase 2 (SRP2)
23. Broadband access in Northern Ireland has improved significantly over these eleven years, particularly in relation to ultrafast² broadband rates where the proportion of premises with access significantly exceeds that in Great Britain, although they are concentrated in urban locations. At the other end of the scale Northern Ireland has been behind other UK regions in terms of access to 'decent'³ broadband speeds, and these premises have been largely in rural areas where it is often not economic for telecommunication companies to invest their own resources.
24. In November 2020, a new £165 million contract for Project Stratum was awarded to Fibrus. This project is Northern Ireland's largest publicly funded broadband intervention to date, and aims to improve broadband access by

² Ultrafast refers to broadband speeds in excess of 300Mbps

³ 'decent' referring to broadband speeds of up to 30Mbps

bringing a full fibre broadband solution to around 85,000⁴ premises (mainly rural) who currently either have no access at all or have speeds less than 30 Mbps and for which there was no commercial solution likely to be available in a reasonable timescale.

25. The Committee welcomes the interventions by the Department to date which are bringing high speed broadband to areas where it would not otherwise have been delivered. However, there are also a number of lessons to be learned from Project Stratum and the earlier NGB, NIBIP and SRP2 Schemes, which should be considered when developing future infrastructure schemes in Northern Ireland.

Aspects of the tender scoring methodology used on the Project Stratum procurement were overly simplistic

26. The Committee accepts the point made by the Departmental witnesses that they assessed and evaluated the two full tenders (BT and Fibrus) against twenty-four detailed criteria which went towards a total score of 100 points. However, within this total, thirty points were awarded for the single criteria relating to the coverage offered by each bid. This was a substantial proportion of the overall points available and by far the largest points available for a single category.
27. The Committee concurs with the C&AG's conclusion that the scoring mechanism used for these criteria (a formula multiplying the percentage coverage proposed by the bid by the thirty points available for the category) was not sophisticated enough to provide sufficient consequences for solutions that did not provide 100 per cent coverage for the target intervention area set. This is disappointing given that maximising solution coverage was a primary objective of the project. Across the NICS, there should be no place for such

⁴ Originally this was 76,500 premises but following the latest announcement on 17 January 2022 that additional funding of £32 million had been secured, a further 8,500 premises were added to Project Stratum

basic formulae when allocating marks on important aspects of tender scoring, especially on projects of this value and scale.

28. The Committee also accepts the Department's assurance that this scoring methodology had been included in the ITT documentation and therefore was correctly used. Nevertheless, the fact remains that these criteria made up 30 per cent of the total points available.
29. Based on this formula the Fibrus bid lost less than one point in these criteria despite the omission of 2,500 of the hardest-to-reach premises from the target intervention area. In the Committee's view, such a small reduction in the mark awarded for coverage simply does not correlate with the fact that the Department subsequently estimated that it would require an additional £24 million in government funding to provide a solution for these premises.
30. It was disappointing that in its evidence the Department was in denial that using such a basic scoring mechanism for coverage was a shortcoming, preferring instead to point to the scoring of the other criteria. The Committee expects all witnesses to be open and acknowledge obvious failings, especially when they have the potential for wider repercussions across the NICS.

The Committee recommends that in future contracts the use of any automated formula is carefully considered to ensure it is appropriate and will give a score which is commensurate with the objectives of the procurement. This should involve a consideration of scoring methodologies used by Centres of Procurement Excellence (COPEs) across all government contracts.

The LPS data set used by the Department, and the addition of 8,500 premises to Project Stratum

31. In January 2022 the Department announced that it was extending Project Stratum coverage to include a further 8,500 premises made up of the 2,500 hardest-to-reach premises that were omitted from the successful Fibrus bid, plus an additional 6,000 eligible premises that the Department had not initially considered for inclusion in Project Stratum.

32. The Committee was surprised to learn these 6,000 premises had initially been wrongly left out of the project intervention area because of anomalies within the LPS Pointer System. The Department had used this system as its basis for identifying qualifying properties for Project Stratum along with the investment plans of the various telecoms companies.
33. It was only after the project had commenced and Fibrus established its own postcode checker which allowed the public to check if their properties were eligible under the project, that these missing properties were identified.
34. Written correspondence received by the Committee from the DoF Minister on 3 February 2022 said that it may have been more appropriate for the Department to have used a different pointer database rather than the pointer product that was used as it would have been more likely to be up to date. This database and other information from the rating system could have been available if the Department had requested it and would have given a better indication of the occupation status of addresses.

It is recommended that for any future exercises by all Departments which requires access to databases containing the addresses of premises, more effective liaison is carried out at an early stage with Land and Property Services to ensure that the information being provided is the most relevant information available and that any limitations of the data are fully understood.

35. While the Department told us that it conducted a consultation exercise before identifying the intervention area for Project Stratum, their process did not identify the substantial number of people who ended up being left out because of the issues with the pointer database. It was only when the project had been awarded to Fibrus and the postcode checker was more widely publicised that this was identified, as it enabled more people to access the checker and came forward to say that they had been excluded.

It is recommended that in any future consultation exercise such as this, where the public are being effectively being asked to confirm the completeness and accuracy of project assumptions, greater efforts should be made to promote awareness of the consultation.

36. The Pointer database is an important source of information for public and private bodies seeking address information and it should be as accurate as possible. The database relies on a number of sources, particularly district councils to ensure that it is up to date and it is clear that this is not working as well as it could be. Similar issues on the completeness of the LPS database and the need to better share information have come up in our work before, most notably in our examination of Generating Electricity from Renewable Energy.

It is recommended that LPS closely review how it maintains its pointer system to ensure that it is as accurate as possible and that as part of this improved arrangements are put in place to ensure that all information providers, particularly district councils, provide their information on as timely a basis as possible.

Departmental disclosure of the LPS data issue to NIAO

37. The C&AG told the Committee that he only became aware of the issues relating to the LPS pointer system and the exclusion of 6,000 premises from the target intervention area after the publication of his report on Project Stratum in December 2022 and shortly before the Department's press release in January 2022. This information should have been made available to be included in the Audit Office report as it had clearly been worked on by the Department for a considerable time.
38. When asked about this at the evidence session part of the reply was that 'there were some questions that were not raised by the audit team' that would have been answered had they been asked. The issues with the pointer system were an important issue and clearly of relevance to this report. Simply saying the information was not given because it was not specifically asked for is a poor excuse. The RHI inquiry identified significant problems with culture and transparency within the Department. The Committee is disappointed with the lack of openness in this instance which suggests that there has been limited improvement in culture and transparency within Department since the RHI Inquiry reported.

When providing evidence to the Audit Office as part of its enquiries it is recommended that Departments are as open and transparent as possible and share relevant information, even if it is not specifically asked for.

Project Stratum will not improve broadband for 100 per cent of premises

39. The Committee notes that the C&AG's report on 'Broadband Investment in Northern Ireland' stated that by 2020, only 98 percent of Northern Ireland premises were able to access basic broadband services of greater than 2Mbps, compared to the average of 100 percent across Great Britain. This means that 2 percent of premises in Northern Ireland had either broadband services of 2Mbps or less, or worse, no broadband access at all.
40. The aim of Project Stratum was to improve connectivity for primarily rural premises across Northern Ireland (that were unable to access broadband services of 30 Mbps or greater). Given this, the Committee was shocked that in its evidence the Department was unable to confirm that the project will result in 100 percent of premises in Northern Ireland having access to at least 'basic' broadband provision.
41. In addition, the Department confirmed in its evidence that some premises with poor broadband access were excluded from Project Stratum under state aid rules because they could receive a basic service from a wireless provider who had to be allowed time to show that they could provide a faster broadband service. If they cannot do within a reasonable timeframe then the Department can make those premises eligible for intervention. The Committee considers that this will be very frustrating for those citizens stuck with a very slow broadband service while waiting for the possibility of an improved wireless service.

It is recommended that the Department urgently identify those properties that will still not have access to even basic broadband services at the end of Project Stratum and put arrangements in place to ensure that their needs are addressed. In the case of those who could not be included because they currently receive a basic service from a wireless provider,

these should be clarified quickly and if they cannot be provided with faster broadband they should be added to the list of premises to be improved under Project Stratum.

Commercial operators and changing investment plans

42. The Committee recognises the challenges faced by the Department in operating in a complex, moving landscape and one that is heavily impacted by any changes commercial providers make to their investment plans. The evidence provided to it during this investigation acutely highlights how such changes directly affects the Department's work on projects such as Stratum.
43. The Committee notes in particular that in September 2020, shortly after the project had been awarded to Fibrus, BT provided information to the Department that indicated that it would be investing in broadband infrastructure for some 16,000 premises within the target intervention area. This was despite it saying in January 2020 that it had no plans to invest on those properties. This proposed investment implies that around twenty per cent of the original target intervention area was already commercially viable without any government assistance.
44. While the Committee understands that plans of commercial operators may change from time to time, it is still concerned by this development and would expect that the Department assure itself that its subsidies are for improvements that are truly not commercially viable.
45. There is also now the potential for overbuild - where two or more companies install fibre infrastructure in the same area. This would clearly not make sense and, while the Department has assured us it has not seen examples of this occurring in practice it will be important for it to continue to closely monitor and de-scope premises from the project if necessary.
46. Finally, in September 2020, BT also told the Department that 900 properties that had previously been within its programme for broadband investment were now left out of its plans. As a result, these properties were not included within the original intervention area and are currently under review by the Department

for how they can be addressed. It is essential that these premises, who have been excluded through no fault of their own, are addressed.

The Committee recommends that in any future project the Department examines if there is any way that it might be able to better protect itself, and the integrity of its broadband projects, by limiting the potential for commercial operators to change their plans within a short period.

It is also recommended that the Department closely monitor the potential for overbuild and take steps to de-scope properties promptly if it sees a risk of that happening.

The 900 properties which have now been excluded from Project Stratum because the planned investment by BT is no longer happening should either now be included in the project or have some other process identified for improvement within the same timescale.

Competition and wholesale pricing on the new network

47. During the evidence presented to the Committee we heard how one of the conditions placed on the network being deployed by Fibrus is that they must provide wholesale access to other providers on a fair and equitable basis. This will help ensure that there is competition in relation to the prices charged to consumers. However, the Committee understands that at present no other providers have taken up the possibility of wholesale access and therefore Fibrus currently have a monopoly on the network completed so far.
48. It is essential that this lack of competition is addressed urgently and the Department should aim to find out why other providers have not come forward to use the network. This is particularly important as we understand that Fibrus is not offering discounts to consumers on the publicly funded network while in other areas where there is competition it does offer discounts.

The Department should urgently investigate why no competitors have come forward to use the network funded by Project Stratum. It also needs to ensure that the fibre network it has paid for is made available to

competitors at a fair rate so as to ensure reasonable prices for consumers.

Significant overestimate of the number of properties that would be improved by the earlier NI Broadband Improvement Project

49. The NIBIP business case related to the second broadband improvement project carried out by the Department and was the first one that used the national framework. The first project run by the Department was next generation broadband and it used its experience on that project to estimate in its that around 117,000 premises would be likely to benefit from the funding available for NIPBIP. The Committee was amazed to find that in reality the estimate was hugely incorrect and in fact only 37,500 premises ended up benefiting from that scheme – about a third of the number expected.
50. The national framework contract used for the NIBIP had only one supplier available to carry out the work by the time that the Department came to use it. The Department said that it felt it was still able to confirm that value for money was achieved, despite the much lower than expected number of premises passed, by benchmarking costs against other contracts under the framework in other parts of the UK.
51. The Committee is very concerned by how far out the initial estimates made by The Department were compared to what was actually achieved. The fact that only one supplier was available to bid for the contract increases the concern that value for money may not have been achieved regardless of the benchmarking. In relation to NIBIP the Committee would echo the findings in 2013 and 2014 of the Westminster PAC when it expressed concern about the lack of competition in contracts, the extent to which contracts delivered value for money as well as a lack of transparency over BT costs.

Based on the experience from the Northern Ireland Broadband Improvement Project provided by BT, it is recommended that in any future scheme the Department needs to be much more robust in its estimates of how much benefit they expect from its investment. It would then be in a

position to challenge the contractor about any differences and better assess value for money.

Clawback in the region of £14 million is due back from BT from the earlier NIBIP and SRP2

52. The NIBIP and SRP2 both contained clawback mechanisms whereby if the take up of the improved broadband by customers was higher than an agreed threshold money would have to be paid back. In both NIBIP and SRP2 the amount to be clawed back is significant - NIBIP (£6.4 million) and SRP2 (£7.6 million). While the clawback mechanism was a valuable one, the Committee is concerned that the size of the clawback may indicate that the projects were commercially viable without public investment and that in hindsight perhaps the investment may have been better focussed on premises in other areas.
53. These amounts will be recouped once the two contracts complete (March 2023 and December 2024 respectively). Of the overall £14 million, the Department confirmed to the Committee that approximately £9 million is due to the NI Executive, with the balance of £5 million owing to BDUK.

Clawback is due from BT on both the NIBIP and SRP2. It is recommended that the Department closely monitor the dates for repayment of the clawback amounts and ensure that the funds are received as expected. As far as possible this money should be used for further broadband improvements in Northern Ireland.

Links to Appendices

Appendix 1: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 2: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report](#)

Appendix 3: Correspondence

[View correspondence received by the Committee related to the report](#)

Appendix 4: Other Documents relating to the report

[View other documents in relation to the report](#)

Appendix 5: List of Witnesses that gave evidence to the Committee

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- Mr Nigel Robbins, Project Director – Project Stratum, Department for Economy;
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- Mr Kieran Donnelly, C&AG; and
- Mr Stuart Stevenson, Treasury Officer of Accounts, Department of Finance.

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