



# Northern Ireland Assembly

## COMMITTEE FOR COMMUNITIES

### MINUTES OF PROCEEDINGS

**Thursday 9 June 2016**

**Room 29 Parliament Buildings**

- Present: Michelle Gildernew MLA (Deputy Chairperson)  
Steven Agnew MLA  
Andy Allen MLA  
Jonathan Bell MLA  
Fra McCann MLA  
Adrian McQuillan MLA  
Carál Ní Chuilín MLA  
Christopher Stalford MLA
- In Attendance: Kevin Pelan (Assembly Clerk)  
Ashleigh Mitford (Assistant Assembly Clerk)  
Stewart Kennedy (Clerical Supervisor)  
Oliver Bellew (Clerical Officer)
- Apologies: Colum Eastwood MLA (Chairperson)  
Nichola Mallon MLA

*The meeting commenced in open session at 10.06am.*

The following interests were declared:

Michelle Gildernew: father is a councillor

Carál Ní Chuilín, Fra McCann, Jonathan Bell, Christopher Stalford, Adrian McQuillan, Steven Agnew: all declared interests as former councillors

Andy Allen: Landlord and trustee of a charity

## **1. Apologies**

Apologies are recorded above.

## **2. Draft Minutes**

The draft minutes of the meeting of 2 June 2016 were agreed.

## **3. Chairperson's Business**

The Deputy Chairperson advised members that the Minister for Communities has been formally invited to brief the Committee on his priorities for the Department on 30 June 2016.

The Deputy Chairperson advised members that she has been invited by Policy Forum to chair the first half of its Keynote Seminar: *Housing in Northern Ireland: meeting market demand and reforming the social housing sector* on 14 September 2016.

The Committee noted correspondence inviting the Committee Chair, the Deputy Chair or another Committee Member to make the Opening Remarks at an upcoming seminar in the 2015-16 Knowledge Exchange Seminar Series (KESS), which will take place on Wednesday, 22 June, from 1.30-2.25pm in the Long Gallery, Parliament Buildings.

## **4. Matters Arising**

The Deputy Chairperson reminded members that the Department for the Economy, along with the Utility Regulator, is seeking views and comments on a proposed new energy efficiency scheme called "EnergyWise". Deadline for responses to the consultation is 5pm on Friday 10 June 2016.

*Agreed:* The Committee agreed to seek a short extension to the deadline.

*Agreed:* The Committee agreed that the Clerk draft a response on behalf of the Committee via email correspondence with members.

## **5. Departmental presentation – Overview of structure, responsibilities and potential priorities**

The Committee noted a memo from the Clerk and a briefing paper from the Department for Communities.

Mr Leo O'Reilly, Permanent Secretary, joined the meeting at 10.11 am.

Mr O'Reilly briefed the Committee and this was followed by questions.

*Adrian McQuillan left the meeting at 10.56 am*

*Fra McCann left the meeting at 11.04 am*

*Agreed:* The Committee agreed to invite each of the 5 Deputy Secretaries to brief the Committee on their specific business areas. This joint briefing(s) would include a financial perspective in terms of budget allocations and the implications of the June Monitoring Round if known.

Leo O'Reilly left the meeting at 11.12 am

*Fra McCann joined the meeting at 11.12 am.*

**6. Departmental Briefing on the Welfare Supplementary Payment Regulations**

**7. Departmental Briefing on the Discretionary Support Regulations**

The Deputy Chairperson advised the Committee that agenda items 6& 7 would be taken together.

The Deputy Chairperson advised members that the Department would brief the Committee on the following 4 sets of regulations:

- The Welfare Supplementary Payment (Loss Of Disability Living Allowance) Regulations;
- The Welfare Supplementary Payment (Loss Of Disability-Related Premiums) Regulations;
- The Welfare Supplementary Payment (Loss Of Carer Payments) Regulations; and
- The Discretionary Support Regulations

The Committee noted a memo from the Clerk, a briefing paper from the Department and a copy of each of the 4 SL1s that the Committee was being asked to consider.

Members noted that copies of draft SRs and accompanying Explanatory and Financial Memoranda had been attached to each SL1. The deputy Chairperson advised Members that they will not however be asked to formally consider the SRs until the next meeting of the Committee.

The Committee was also provided with copies of an urgent procedure request and a letter from the Minister to the Executive giving policy details that underpin the regulations.

The following officials were invited to join the meeting at 11.15am:

- Mr Tommy O'Reilly, Deputy Secretary, Working Age
- Ms Sinead Crossan, Head of Social Welfare Policy
- Mr Paddy Rooney, Welfare Changes Project Manager
- Mr Mickey Kelly, Assistant Director of Pensions, Disability and Carers Services

The officials briefed the Committee on the regulations and answered members' questions.

*Adrian McQuillan joined the meeting at 11.40 am*

*Agreed:* The Committee agreed to invite the members of the Working Group on Welfare Reform Mitigations to brief the Committee on the implementation of their recommendations.

*Christopher Stalford left the meeting at 12.03 pm*

*Agreed:* The Committee agreed that it was content for all 4 Rules to be made.

*Adrian McQuillan left the meeting at 12.15 pm*

The Deputy Chairperson reminded members that the Committee will be asked to consider the rules formally on 16 June 2016.

The officials left the meeting at 12.15 pm

*The session was recorded by Hansard*

## **8. June Monitoring Round**

Consideration of this agenda item was deferred due to time pressures.

*Agreed:* The Committee agreed to have a brief suspension.

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*The meeting was briefly suspended at 12.16 pm.*

*The meeting resumed in open session at 12.35 pm with the following members present:*

*Michelle Gildernew, Steven Agnew, Andy Allen, Jonathan Bell, Adrian McQuillan, Carál Ní Chuilín, Christopher Stalford.*

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## **9. SR 99/2016 The Pensions (2015 Act) (Pension Sharing on Divorce etc) (Transitional Provision) Order (Northern Ireland)2016 - Departmental Briefing**

The Committee noted papers relating to the item.

The Deputy Chairperson reminded members that at its meeting on 2 June, the Committee noted a number of statutory rules that were agreed by the previous Committee in the 2011-16 Mandate but still have a statutory period in force in the current Mandate.

The Committee's attention had been drawn to this particular SR because although it had been agreed by the Committee for Social Development, the Examiner subsequently reported that it may be of doubtful vires. The Committee had noted the Department's response but agreed to seek a briefing on the SR including the policy surrounding it.

The following officials joined the meeting at 12.36 pm:

- Anne McCleary - Director, Social Security, Policy and Legislation
- Mr Gerry McCann, Assistant Director Pensions and International
- Gillian McMaster - Social Security, Policy and Legislation

The officials briefed the Committee and this was followed by questions.

*Agreed:* The Committee agreed that it was content that the issues it raised had been clarified. The officials left the meeting at 12.45 pm

Before moving to agenda items 10 -27, the following general points in relation to secondary legislation were raised or agreed:

*Agreed:* The Committee agreed that training on the process that underpins the Committee's statutory role in scrutinising secondary legislation should be delivered by Committee staff.

The Deputy Chairperson advised members that the Committee for Communities is likely to be asked to consider a large volume of secondary legislation. In order to avoid possible delays in the process, if members have any factual queries on a particular SL1 they should notify committee staff who will endeavour to have a response from the Department before the Committee *formally* considers the SL1.

The Deputy Chairperson reminded members that each of the SRs under items 10 - 27 was considered by the previous Committee in the last mandate at SL1 Stage and the relevant Committee was content for the Rules to be made. In all cases, the Department has confirmed that there have been no policy changes since SL1 Stage.

#### **10. SR 2016/125 - The Licensing (Register of Licences) (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*"That the Committee for Communities has considered the Statutory Rule SR 125/2016 The Licensing (Register of Licences) (Amendment) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule."*

#### **11. SR 2016/127 - The Licensing of Pavement Cafés (Register of Licences) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*"That the Committee for Communities has considered the Statutory Rule SR 2016/127 - The Licensing of Pavement Cafés (Register of Licences) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule."*

**12. SR 2016/132 - The Licensing of Pavement Cafés (Form of Licence) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/132 - The Licensing of Pavement Cafés (Form of Licence) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**13. SR 2016/141 - The Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/141 - The Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) (Amendment) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**14. SR 2016/142 - The Occupational and Personal Pension Schemes (Automatic Enrolment) (Miscellaneous Amendments) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/142 - The Occupational and Personal Pension Schemes (Automatic Enrolment) (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**15. SR 2016/144 - The Occupational and Personal Pension Schemes (Modification of Schemes and Miscellaneous Amendments) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/144 - The Occupational and Personal Pension Schemes (Modification of Schemes and Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**16. SR 2016/147 - The Social Security (Scottish Rate of Income Tax etc.) (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/147 - The Social Security (Scottish Rate of Income Tax etc.) (Amendment) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**17. SR 2016/149 The Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/149 The Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**18. SR 2016/158 - The Pensions (2015 Act) (Abolition of Contracting-out for Salary Related Pension Schemes) (Consequential Amendments and Savings) Order (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/158 - The Pensions (2015 Act) (Abolition of Contracting-out for Salary Related Pension Schemes) (Consequential Amendments and Savings) Order (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**19. SR 2016/162 - The Pensions (2015 Act) (Contributions Equivalent Premium) (Consequential Provision) and (Savings) (Amendment) Order (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/162 - The Pensions (2015 Act) (Contributions Equivalent Premium) (Consequential Provision) and (Savings) (Amendment) Order (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**20. SR 2016/165 - The Pension Protection Fund and Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/165 - The Pension Protection Fund and Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**21. SR 2016/171 - The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/171 - The Occupational Pension Schemes (Charges and Governance) (Amendment) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**22. SR 2016/172 - The Pension Sharing (Miscellaneous Amendments) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:



*“That the Committee for Communities has considered the Statutory Rule SR 2016/172 - The Pension Sharing (Miscellaneous Amendments) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**23. SR 2016/191 - The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/191 - The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

**24. 2016/192 - The Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule 2016/192 - The Occupational Pension Schemes (Scheme Administration) (Amendment) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, recommends that it be confirmed by the Assembly.”*

**25. 2016/193 - The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations (NI) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 193/2016 The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules’ report, recommends that it be confirmed by the Assembly.”*

**26. SR 2016/196 - The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule SR 2016/196 - The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (Northern Ireland) 2016 and subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

#### **27. 2016/233 - The Jobseeker’s Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2016**

There were no objections to the Rule.

Question put and agreed:

*“That the Committee for Communities has considered the Statutory Rule and 2016/233 - The Jobseeker’s Allowance (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2016 subject to the Examiner of Statutory Rules report, has no objections to the Rule.”*

#### **28. Correspondence**

The Committee noted a letter from the Minister regarding his intention to bring a Legislative Consent Motion with respect to the Cultural Property (Armed Conflicts) Bill.

*Agreed:* The Committee agreed that the Clerk draft a response for the Committee’s consideration.

The Committee noted a request from the Rural Development Council seeking a meeting with the Chair and Deputy Chair. The Deputy Chairperson indicated that she would meet with the organisation.

The Committee noted correspondence from the Ulster University for the Committee to participate in a seminar exploring the new welfare provisions as they apply in Northern Ireland. The University has also offered to host the scheduled Committee meeting on campus on the same day so members can attend the seminar.

*Agreed:* The Committee agreed to hold an external meeting at the University and to attend the Seminar. Committee Staff will make the arrangements.

The committee noted a correspondence memo.

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

#### **29. Forward Work Programme**

The committee noted the draft Forward Work Programme.

*Agreed:* The Committee agreed that given its decision to invite the 5 Deputy Secretaries to brief it on their individual business areas, the briefing on the Business Plan scheduled to 16 June 2016 was not required.

*Agreed:* The Committee agreed to hold its strategic planning day on Thursday 8 September 2016 at the Mount in East Belfast.

*Agreed:* The Committee agreed the Draft Forward Work Programme as amended.

### **30. AOB**

Committee staff agreed to circulate information on the Social Security Benefits Up-rating Order (Northern Ireland) 2016 to members, noting that the Minister for Communities will propose on 21 June 2016 that it be approved.

### **31. Date, time and location of the next meeting**

The next meeting of the Committee for Communities will take place on Thursday 16 June 2016 at 10.00am in room 29.

*The Chairperson adjourned the meeting at 1.01 p.m.*

**Michelle Gildernew**

**Deputy Chairperson, Committee for Communities**

**16 June 2016**