

The Northern Ireland Assembly Commission

Meeting Venue: Long Gallery, Parliament Buildings

Meeting date: Wednesday 9 February 2022

Meeting Time: 2.30 pm



Assembly Commission Members:

Alex Maskey MLA, Speaker (Chairperson)
John O'Dowd MLA
Trevor Clarke MLA
Dolores Kelly MLA
Robbie Butler MLA (joined remotely)
John Blair MLA

Officials present:

Lesley Hogg, Clerk/Chief Executive
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:

Edward Lord, Secretariat Audit and Risk Committee Chairperson
Susie Brown, Head of Communications (Item 11)
Tracey Wilson, Information Officer (Item 11)
Sebastien Mingout, Support Services Manager (Item 12)
David Lynn, Head of Building Services (Item 14)
Alice McKelvey, Legal Adviser (Item 14)
Frances Leneghan, Private Secretary to the Speaker (Item 16)

The meeting commenced at 2.36 pm.

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

None.

3. CHAIRPERSON'S BUSINESS

The Speaker passed on the Assembly Commission's condolences to Richard Stewart, following the passing of his mother.

The Speaker formally introduced Edward Lord, as the newly appointed Secretariat Audit and Risk Committee Chairperson.

The Speaker noted that the Assembly Commission had previously agreed to pilot sign language translation for Executive Office questions in the Assembly Chamber, until the end of the mandate. Given the vacancies in the offices of First Minister and deputy First Minister, the Speaker proposed utilising the planned sign language translation for other Ministerial questions on the dates originally allocated to the First and deputy First Minister. Members were content with this proposal.

Action: Speaker to liaise with the relevant Ministers in relation to piloting sign language translation during questions for oral answer in the Assembly Chamber.

The Speaker confirmed that both he and Members of the Assembly Commission remained in office throughout dissolution and until their successors were appointed after the election.

4. DRAFT MINUTES OF PREVIOUS MEETINGS

Minutes from the Assembly Commission meeting on 24 November 2021 were approved for publication.

5. MATTERS ARISING

There were no matters arising.

6. ASSEMBLY COMMISSION ACTIONS

Members noted the status of actions.

In relation to the action on the development of a policies and procedures manual for MLAs in their role as employers, Dolores Kelly MLA asked if Members could have sight of the draft before it was issued to MLAs, to ensure it reflected the needs of MLAs.

Action: Richard Stewart to arrange for a draft of the policies and procedures manual for MLAs to be forwarded to Members.

In response to a query from John O'Dowd MLA on the responsibilities of MLAs in relation to their staff when approaching an election, Lesley Hogg

confirmed that advice was available on the Assembly's Intranet. Mrs Hogg also advised that Election Planning Guidance was currently being finalised and would be issued to MLAs shortly.

7. CORRESPONDENCE

Members noted the following items of correspondence.

A letter dated 1 December 2021 from the Chairperson of the Audit Committee, in relation to the report on the Draft Budgets 2022-25, for the Northern Ireland Assembly Commission, Northern Ireland Audit Office and Northern Ireland Public Services Ombudsman and the Speaker's response dated 21 December 2021. The Speaker advised that a paper on the Budget 2022-25 Motion had been prepared for consideration at agenda item 9.

A letter dated 13 January 2022 from the Assembly Branch of the Commonwealth Parliamentary Association (CPA), seeking the Assembly Commission's permission to plant a tree on the grounds adjacent to Parliament Buildings within the Assembly Commission's control to mark the Platinum Jubilee of Her Majesty Queen Elizabeth II. Members views were sought on this request and following consideration permission was given for a tree to be planted as per the CPA's proposal.

Action: Speaker to inform the CPA of the Assembly Commission's decision in relation to its request, to plant a tree on the grounds adjacent to Parliament Buildings, to mark the Platinum Jubilee of Her Majesty Queen Elizabeth II.

A letter dated 31 January 2022 from the Chairperson of the Audit Committee, in relation to the Assembly Commission budget and consideration of thresholds on Audit Committee input to in-year adjustments. The Speaker noted that a paper had been prepared on this issue for consideration at agenda item 10.

8. CLERK/CHIEF EXECUTIVE UPDATE

Lesley Hogg noted that her report provided Members with an update on the key issues, which had arisen since the last Assembly Commission meeting, and that in view of the heavy agenda, she would only highlight key points.

Update on the Youth Assembly

Mrs Hogg advised that four Youth Assembly committees had been established and that the next plenary sitting was scheduled for 5 March 2022.

Parliament Buildings Open Day

Mrs Hogg noted that following discussions between officials and the Speaker, it was agreed that it would not be practical or feasible to hold the Open Day on 19 February 2022 given the current COVID restrictions and the lead in time required to plan for the Open Day.

Mrs Hogg therefore proposed that the Assembly Commission reconsider holding an Open Day at a later stage following the May 2022 Assembly election and the easing of COVID-19 restrictions, in order to maximise the opportunity for engagement with the public. Members were content with this proposal.

9. BUDGET 2022-25 MOTION

Mr Stewart presented a paper detailing the Assembly Commission's agreed budget plans for the next three years, which he noted had been scrutinised by the Audit Committee.

Mr Stewart sought agreement from Members on a motion for the Assembly to debate the Assembly Commission's Budget 2022-25, for inclusion on the Order Paper for 28 February 2022.

It was noted that, while there were issues arising from recent political developments affecting the ability of the Finance Minister to take a three-year budget forward, the Assembly Commission was still required to take the necessary steps to bring forward its own budget.

Following consideration, Members agreed that the Budget 2022-25 Motion.

10. ASSEMBLY COMMISSION BUDGET SETTING PROCESS: IN-YEAR THRESHOLDS AND CHANGES TO STANDING ORDERS

Mr Stewart advised Members of the current methodology for setting the Assembly Commission budget, which included a recognition of the need to agree a threshold for referring in-year changes to the Audit Committee. It also noted a desire to formalise the budget setting process, by including it, for example, in Standing Orders.

As noted under item 7, 'Correspondence', Mr Stewart advised that the Chairperson of the Audit Committee, had asked that consideration be given to an appropriate level of threshold for the Audit Committee's further scrutiny of any in-year adjustments to the Assembly Commission agreed budget. Mr Stewart noted that both he and the Clerk/Chief Executive would be attending a meeting of the Audit Committee on 16 February 2022 to discuss the matter further, and he sought Members views on a proposed threshold of $\pm 5\%$.

Members agreed that a figure of $\pm 5\%$ of the opening budget for the Assembly Commission (as agreed by the Assembly in Plenary) represented an appropriate and practical level to set the threshold for the Assembly Commission to seek the Audit Committee's view on its in-year budget position. In advance of the meeting on 16 February 2022, it was agreed that the Speaker would reply to the Chairperson of the Audit Committee on this basis.

Action: Speaker to reply to the Chairperson of the Audit Committee, seeking agreement that a $\pm 5\%$ threshold is applied to the Assembly Commission's budget for referring any in-year changes.

Mr Stewart also noted that discussions were ongoing with officials supporting the Audit Committee, on potential changes to incorporate the Assembly Commission's budget setting process into Standing Orders, and he sought approval to propose the text set out in the paper, to the Audit Committee.

Members requested more time to consider the amendment of Standing Orders and agreed to defer a decision on this matter to a future meeting.

Action: Mr Stewart to seek Members views on potential changes to Standing Orders to incorporate the Assembly Commission's budget setting process, at a future meeting, following further consideration by Members.

Susie Brown and Tracey Wilson joined the meeting at 3.03 pm for agenda item 11.

11. RETENDER OF THE BROADCASTING AND RELATED SERVICES CONTRACT

Susie Brown presented an Outline Business Case (OBC) for the retender of the Broadcasting and Related Services contract.

Ms Brown advised that the current contract expired in July 2022 and she outlined three options that had been considered following this.

Ms Brown stated that following assessment of the options outlined in the paper and accompanying OBC, the preferred option was to retender the contract. She also advised Members of the estimated cost of a six-year contract and that the Assembly Commission had employed the services of an independent Broadcasting Technical Adviser to assist with the development of the OBC.

Following consideration, Members approved the OBC for the retendering of the Broadcasting and Related Services contract (Option 3).

Susie Brown and Tracey Wilson left the meeting at 3.10 pm.

Sebastien Mingout joined the meeting at 3.12 pm for agenda item 12.

12. BUSINESS CASE FOR THE RETENDERING OF THE SUPPORT SERVICES CONTRACT 2022

Gareth McGrath noted that Members had agreed the scope of the new Support Services Contract, at the Assembly Commission meeting on 9 September 2021.

Dr McGrath subsequently presented an OBC for the retendering of the Support Services Contract and noted that as the current contract expired in August 2022, a decision on the way forward was required as a matter of urgency, to enable a procurement competition to commence.

Following consideration, Members approved the OBC for the retendering of the Support Services Contract as presented.

Members discussed the current quality of the catering offering and ways in which this might be improved in the interim.

Mr Clarke MLA asked that the seating arrangements in the Blue Flax Restaurant be reviewed in line with the easing of the Coronavirus Regulations.

Action: Officials to review the seating arrangements in the Blue Flax Restaurant, in line with the easing of the Coronavirus Regulations.

Sebastien Mingout left the meeting at 3.30 pm.

13. PAY CLAIM 2021

Mr Stewart summarised the outcome of the Assembly Commission's deliberations at its meeting on 24 November 2021, on the 2021 pay claim and the subsequent discussions that had taken place with NIPSA. He then sought agreement on the final offer to NIPSA.

Following consideration, the Assembly Commission agreed the following offer in relation to the 2021 pay claim from NIPSA:

- A single-year deal for 2021;
- A consolidated increase of 2% on all pay points;
- Agreement that officials would carry out further analysis and investigation of the claimed benefits and costs associated with any reduction in contracted hours from 37 to 35 hours per week; and

- A commitment to set up a working group to undertake further analysis and research on the issue of a four-day working week.

John Blair MLA left the meeting at 3.52 pm.

David Lynn and Alice McKelvey joined the meeting at 3.52 pm for agenda item 14.

14. DEFECTS IN THE ROOF OF PARLIAMENT BUILDINGS AND INVESTIGATION OF POTENTIAL LIABILITY

Mr Stewart advised that the paper presented provided an updated position on the potential legal action against those responsible for undertaking the roof refurbishments works, that were completed in 2015.

Mr Stewart confirmed that expert reports commissioned to identify the extent of the defects had been received on 20 January 2022 and that external solicitors and counsel are instructed on behalf of the Assembly Commission. Mr Stewart advised Members on the level of re-instatement costs set out in the expert reports.

John Blair MLA re-joined the meeting at 3.58 pm.

Mr Stewart sought approval for expenditure in relation to future legal costs up to a maximum limit as set out in the paper. He also sought authority to commence the contractual dispute resolution processes in the event that tripartite negotiation was not successful, and to issue proceedings against the contractors if necessary.

Following discussion, Members approved expenditure for legal costs up to the maximum limit outlined in the paper along with the commencement of contractual dispute resolution processes, in the event that tripartite negotiation was not successful; and for proceedings to issue against the contractors if necessary.

David Lynn and Alice McKelvey left the meeting at 4.03 pm.

15. SIMULTANEOUS INTERPRETATION OF ASSEMBLY BUSINESS IN IRISH AND ULSTER SCOTS

The Speaker noted that the Assembly had previously passed a motion directing the Assembly Commission to provide simultaneous interpretation of Assembly business in Irish and Ulster Scots. He advised that this direction had been considered previously by the Assembly Commission, most recently at its meeting on 24 November 2021.

Dr McGrath confirmed that, as agreed at the November meeting, a survey of MLAs had been undertaken to assess the level of demand for the

interpretation of Assembly business in Irish and Ulster Scots and provided Members with a summary of the responses received.

Members agreed that the responses received demonstrated that there was demand for the simultaneous interpretation of Assembly business in Irish and Ulster-Scots. All Members, with the exception of Mr Clarke MLA, agreed that officials should proceed to put in place the resources outlined in the paper in preparation the simultaneous interpretation of Assembly business in Irish and Ulster Scots at the start of the new mandate. It was also noted that provision of simultaneous interpretation of Assembly business In Irish and Ulster Scots would be reviewed six months after it had been implemented.

Frances Leneghan joined the meeting at 4.17 pm for agenda item 16.

16. RECOMMENDATION OF THE WORKING GROUP REPORT ON THE REVIEW OF THE DISPLAY OF ARTEFACTS IN PARLIAMENT BUILDINGS – CONFIRMATION OF APPROVAL TO PROCEED WITH REVISED DISPLAY OF ITEMS AND IMAGES

Robin Ramsey presented a paper updating Members on the further work undertaken by officials, since discussion at the Assembly Commission meeting on 24 November 2021, which included the development of a final draft of the images to be used in the display and the storyboards and individual descriptions to accompany each image.

Mr Ramsey sought agreement to proceed with the display, as set out in the images and text provided with his paper.

Following consideration, Members approved the display of artefacts in Parliament Buildings, as presented.

The Speaker recorded his thanks to Robin, Frances and the rest of the project team for the tremendous amount of work undertaken and on the professionalism and integrity shown throughout the project.

Frances Leneghan left the meeting at 4.20 pm.

17. MATERNITY AND ADOPTION FINANCIAL SUPPORT FOR MLAS' CONSTITUENCY OFFICES

Mr Stewart noted that the paper presented had been prepared following consideration of maternity and adoption provisions for MLAs' constituency offices, at the Assembly Commission meeting on 8 July 2021.

Mr Stewart advised that there were three aspects that confirmation was sought from Members on, namely:

- That additional financial support should be provided for MLAs by increasing the level of Staffing Costs available to MLAs during periods of maternity or adoption;
- That the duration, quantum and qualifying criteria for any such provision is as set out in the paper; and
- That a Determination to provide the additional financial support should be published once progress is made at the start of the next Assembly mandate on a Bill to reform the functions of the Independent Financial Review Panel.

Following consideration, Members approved the three recommendations for support as outlined.

18. REVIEW OF THE FINANCIAL ASSISTANCE FOR POLITICAL PARTIES SCHEME ('FAPP SCHEME') 2016

The Speaker noted that a paper on the review of the FAPP Scheme 2016 had been considered at the Assembly Commission on 24 November 2021, following the resolution of the Assembly to agree the Assembly and Executive Review Committee Review Report. He added that at that time it was agreed to defer a decision until a future meeting to allow Members more time to consult with their parties.

Mr Stewart presented a further paper, highlighting those areas where there was broad agreement to proposals for inclusion in a future FAPP Scheme, based on views expressed by Members at previous Assembly Commission meetings and noting that a decision was required on three remaining areas.

Members views on the three remaining areas were sought and following discussion, a number of Members requested more time to consider them. Members also stated that it might be helpful to have a further discussion with Mr Stewart on a one to one basis.

19. DISABILITY ACTION PLAN 2022-25 AND CONSULTEE COMMENTS AND RESPONSE TABLE

Members noted the Disability Action Plan 2022-25 for implementation and the Consultee Comments and Response Table for distribution.

20. ASSEMBLY MEMBERS' PENSION SCHEME ACCOUNTS AND ACTUARIAL VALUATION

Mr Stewart provided Members with an update on the funding position of the Assembly Members' Pension Scheme by way of the Annual Report and Accounts for the year ended 31 March 2021.

Mr Stewart also referred Members to the content of the Northern Ireland Assembly Members' Pension Scheme Valuation Report as at 31 March 2020 and, in particular, the reference to the increase in the secondary contributions payable by the Assembly Commission from 1 April 2021, as a result of the valuation.

Members noted the Annual Report and Accounts for the year ended 31 March 2021 and the Assembly Members' Pension Scheme Valuation Report as at 31 March 2020.

21. DESIGNATED DAYS FOR THE FLYING OF THE UNION FLAG AT PARLIAMENT BUILDINGS

The Speaker noted that an advice paper on the designated days for the flying of the Union flag at Parliament Buildings had been prepared by officials, following a request from a number of Members.

It was also noted that Belfast City Hall had recently agreed an amendment for flying the Union flag on 19 February 2022, which meant that the Union flag would not be flown on that day but would, instead, be flown on 1 July.

Members views were sought and it was agreed that the designated days on which the Union flag is flown from Parliament Buildings would be amended to replace 19 February with 1 July for 2022.

22. PAPERS ISSUED VIA CORRESPONDENCE

Implementation of 'Covid-19 Evidence Status' Regulations

Spring Supplementary Estimates Memorandum (2021-22)

23. DECISIONS MADE VIA CORRESPONDENCE

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

Women in Parliament Exhibition – **Agreed to proceed.**

Lighting Requests:

Matthew O'Toole MLA, Grief Awareness Week – **Declined.**

Samaritans NI, raise awareness of Samaritans NI and its services – **Approved.**

24. AOB

Mr Clarke MLA asked that officials review seating areas within Parliament Building for MLAs in the evenings.

Action: Officials to review seating areas for MLAs, particularly in the evening time.

25. DATE OF NEXT MEETING

It was proposed that a further meeting would be scheduled in March prior to Dissolution if necessary.

The meeting ended at 4.49 pm.