

## The Northern Ireland Assembly Commission

Meeting Venue: Meeting via Microsoft Teams

Meeting date: Thursday 8 July 2021

Meeting Time: 2.30 pm



Assembly Commission Members:

The Speaker  
Mr Trevor Clarke MLA  
Mr John O'Dowd MLA  
Mrs Dolores Kelly MLA  
Mr Robbie Butler MLA  
Mr John Blair MLA

Apologies: None

Officials present:

Mrs Lesley Hogg, Clerk/Chief Executive  
Ms Tara Caul, Director of Legal, Governance and Research Services  
Dr Gareth McGrath, Director of Parliamentary Services  
Mr Richard Stewart, Director of Corporate Services  
Mr Robin Ramsey, Adviser to the Speaker/Head of Corporate Support  
Mrs Janet Hughes, Clerical Supervisor

Others in attendance:

Mr Jim Brooks, Secretariat Audit and Risk Committee (SARC) Chairperson  
Mr David Lynn, Head of Building Services (Item 9)  
Mr Jonathan McMillen, Head of Legal Services (Item 9)  
Dr Kevin Pelan, Clerk Assistant (Item 18)  
Mr Gavin Ervine, Senior Assistant Assembly Clerk (Item 18)

*The meeting commenced at 2.41 pm.*

### 1. APOLOGIES

There were no apologies.

## **2. DECLARATIONS OF INTEREST**

None.

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

The Speaker thanked Keith Buchanan MLA for chairing the last meeting in his absence and echoed the remarks made by Members, and for the constructive way he had worked with the Assembly Commission. The Speaker also congratulated Trevor Clarke MLA on his appointment as an Assembly Commission Member and welcomed him to his first meeting.

The Speaker referred to two issues which Members committed to raise, following the last Oral Assembly Questions to the Assembly Commission on 15 June 2021. The first being a request from Andrew Muir MLA in relation to training for Members on legislation, which the Speaker noted would be addressed at agenda item 18 and the second, a proposal from Jim Allister MLA to plant a centenary rose bush outside Parliament Buildings, which the Speaker noted would be considered under the Clerk/Chief Executive's Report at agenda item 8.

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

Minutes from the Assembly Commission meetings on 12 May 2021 and 11 June 2021 were approved for publication.

## **5. MATTERS ARISING**

There were no matters arising.

## **6. COMMISSION ACTIONS**

Members noted the status of actions.

## **7. CORRESPONDENCE**

Members noted the following items of correspondence.

A letter dated 11 May 2021 from Kathryn Thompson, Chief Executive of National Museums NI inviting the Assembly Commission to visit 'Collecting the Past / Making the Future' Exhibition in the Ulster Museum. The Speaker noted that while the Assembly Commission did not have responsibility for museums, it was relevant to the work of the Assembly Commission in relation to the review of the display of artefacts in Parliament Buildings. He proposed that he attend the exhibition, along with some of the Assembly officials

working on the review of artefacts project. Members were content with the Speaker's proposal.

The Speaker's response dated 24 May 2021 to Ms Clare Bailey MLA, Chairperson of the Northern Ireland Assembly Women's Caucus, regarding the Caucus's proposal in relation to the displaying of artwork in Parliament Buildings.

A letter dated 2 June 2021 from Mr Colm Gildernew MLA, Chairperson of the Health Committee, regarding access to information for those with sensory impairments and the Speaker's response dated 6 July 2021.

A letter dated 11 June 2021 from Ms Margaret Kelly, Northern Ireland Public Services Ombudsman, providing an update on and a copy of the Complaints Handling Public Consultation.

A letter dated 21 June 2021 from the Minister of Health, in relation to the availability of lateral flow testing. The Speaker stated that this would be considered under the Clerk/Chief Executive's Report at agenda item 8.

Finally, a letter from the Assembly and Executive Review Committee (AERC) attaching a copy of the report prepared by Mr Trevor Reaney, following his review on the Entitlements of an Opposition. The Speaker advised that AERC had requested that the Assembly Commission consider the recommendations by 24 September 2021. The Speaker proposed that Assembly officials review the recommendations and prepare advice for Members to consider. Members were content with the Speaker's proposal and did not consider a briefing from Mr Reaney necessary.

**Action:** Assembly officials to review the recommendations in Mr Reaney's report and prepare advice for Members to consider at an Assembly Commission meeting in September 2021.

## **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 a few key points.

### **The Financial Reporting (Departments and Public Bodies) Bill**

Mrs Hogg advised that the Financial Reporting (Departments and Public Bodies) Bill ('the Bill') was introduced to the Assembly on 1 June 2021 and was now with the Committee for Finance for its Committee Stage.

Members were asked to note a letter from the Department of Finance (DoF), raising a query about the ability of DoF to direct the actions of the Assembly Commission. Mrs Hogg advised that the Bill confers a power enabling DoF to

direct the Assembly Commission, and she asked Members to consider if it would be prudent for the Assembly Commission to respond to DoF and also write to the Committee for Finance, to set out its position in relation to the independence of the Assembly Commission from the Executive and also to query the inclusion of the Assembly Commission within the remit of the Bill. Members were content with Mrs Hogg's proposal.

**Action:** Officials to respond to the letter from DoF highlighting the Assembly Commission's independence from the Executive and to query its inclusion within the remit of the Bill.

**Action:** Speaker to write to the Committee for Finance outlining the Assembly Commission's independence from the Executive and query its inclusion within the remit of the Bill.

### **Re-opening of Parliament Buildings**

Mrs Hogg reminded Members that at the Assembly Commission meeting on 11 June 2021, it was agreed that following the commencement of summer recess on 10 July 2021, Parliament Buildings would reopen on 14 July 2021 for events, tours, public dining and visitors.

Mrs Hogg highlighted however, that the commencement of events and tours was subject to the easing of restrictions in relation to the use of conference halls and facilities, which were anticipated to be from 21 June 2021 and as this easing had not yet occurred and unless restrictions eased before 14 July 2021, events and tours would be unable to commence at that time. It was noted that public dining and visitors to the building would still commence on 14 July 2021 as previously agreed.

### **Department of Health's Asymptomatic Testing Programme**

Mrs Hogg stated that at the Assembly Commission meeting on 12 May 2021, John Blair MLA raised the possibility of Assembly Commission staff availing of the Department of Health's Asymptomatic Testing Programme.

Mrs Hogg also noted a recent letter from the Minister of Health to the Speaker regarding MLA participation in asymptomatic testing on the Stormont Estate while the Assembly was sitting and asking for the Speaker's endorsement of this proposal.

It was noted that the Assembly Commission had no control over the activities of MLAs and should MLAs wish to avail of testing, that was a matter for each MLA. Mrs Hogg proposed that, as the Stormont Estate testing site was not yet in place and as the Assembly would not be sitting with effect from 10 July 2021 with a consequent reduction in the number of MLAs and staff in Parliament Buildings, that the need for testing be assessed following the commencement of the new Assembly term in September 2021. Members were content with the proposal.

John O'Dowd MLA asked about the availability of offering free lateral flow testing to Assembly Commission staff and MLAs and their staff.

**Action:** Mr Stewart to look into the possibility of offering free lateral flow testing to Assembly Commission staff and MLAs and their staff and advise the Assembly Commission accordingly.

### **Youth Assembly Update**

Mrs Hogg noted that there had been a very successful inaugural plenary sitting of the Youth Assembly on 2 July 2021.

### **Centenary Events – Rose Bush**

Mrs Hogg noted that during Oral Questions to the Assembly Commission on 15 June 2021, Jim Allister MLA suggested that a rose bed could be planted to mark the centenary of Northern Ireland and that Robbie Butler MLA had given a commitment to discuss the suggestion at the next Assembly Commission meeting.

It was agreed that this item could be further discussed under agenda item 16 on the review of artefacts.

### **Vehicle Charge Points**

Mrs Hogg noted that during Oral Questions to the Assembly Commission on 15 June 2021, Sinead Ennis MLA had asked if the Assembly Commission could consider extending the number of electric vehicle charge points across the Stormont Estate and that Dolores Kelly MLA had given a commitment to raise the matter at the next Assembly Commission meeting.

Mrs Hogg updated Members on electric vehicle charge points within the Stormont Estate and advised that the Secretariat Management Group had already agreed an action in the Assembly Commission's Environmental Continuous Improvement Plan for 2021-22, to liaise with colleagues in the Stormont Estate Management Unit to assess the feasibility of providing further electric vehicle charging points in the Lower East car park.

**Action:** Speaker to issue a response to Ms Ennis.

Mr O'Dowd also asked about the cost of charging.

*David Lynn and Jonathan McMillen joined the meeting at 3.06 pm for agenda item 9.*

## **9. DEFECTS IN THE ROOF OF PARLIAMENT BUILDINGS AND INVESTIGATION OF POTENTIAL LIABILITY**

Richard Stewart presented a paper updating Members on defects in the roof of Parliament Buildings and potential legal action against those responsible for undertaking the roof refurbishment works that were completed in 2015.

Mr Stewart advised that there had been two strands to the roof project, with architects involved in the design strand and a roof contractor with the works strand.

Mr Stewart confirmed that a number of discussions had taken place with both the architects and roof contractors in recent months, but stated that as yet it had not been possible to agree a solution to remedy the defects as outlined in the paper.

Mr Stewart advised that there was a limitation period on the work carried out on the roof and of the latest date for the issue of legal proceedings.

Members enquired about the balance of liability between the roof contractors and the architects and Jonathan McMillen outlined the position.

Following consideration, and in light of the limitation period expiry date, Members agreed to proceed with the first stage of legal proceedings as outlined in the paper and approved the estimated expenditure of such proceedings, set out at paragraph 24 of the paper, should a negotiated solution between all parties not be reached to resolve the matter in the interim.

*Jonathan McMillen and David Lynn left the meeting at 3.20 pm.*

## **10. SUPPORT SERVICES CONTRACT – OPTIONAL YEAR 5 (2022)**

Mr Stewart outlined a proposal received from the Support Services contractor for an optional Year 5 of the contract.

*Dolores Kelly MLA left the meeting at 3.29 pm.*

Mr Stewart noted that the view of Assembly officials was that the proposal received was not acceptable from a value for money perspective and he sought Members' views on it, as well as on the range of services that should be provided in Parliament Buildings under any new contract. To assist with this discussion Mr Stewart presented three options proposed by Assembly officials for consideration.

Following consideration of the options outlined, the Speaker asked that Mr Stewart prepare a new contract specification taking account of Members'

comments, to allow further discussion at a subsequent Assembly Commission meeting.

**Action:** Mr Stewart to produce a new support services contract specification, taking account of the views expressed by Members, to allow further consideration of possible contract options at a subsequent Assembly Commission meeting.

#### **11. ASSEMBLY COMMISSION ANNUAL PLAN 2020-21 END OF YEAR PERFORMANCE REPORT**

Members noted the report. Robin Ramsey highlighted that of the targets set, 87% had been achieved or partially achieved, and that the key factor behind almost all of the 13% not achieved was due to other activity required to manage the impact of the COVID-19 pandemic on business.

It was also noted that a number of additional projects and activities had to be undertaken to maintain Assembly and Assembly Commission business throughout the pandemic.

#### **12. DRAFT ASSEMBLY COMMISSION ANNUAL PLAN 2021-22**

Mr Ramsey presented the draft Annual Plan 2021-22, which he confirmed had been developed in line with the Corporate Plan 2019-23, previously approved at the Assembly Commission meeting on 19 February 2020.

Members approved the draft Annual Plan 2021-22 as presented.

#### **13. MATERNITY, PATERNITY AND ADOPTION PROVISIONS FOR MLAs' CONSTITUENCY OFFICES**

The Speaker noted the connection between this agenda item and agenda item 14, both of which were discussed at the Assembly Commission meeting on 12 May 2021, when it was agreed that more advice would be provided on the measures within the remit of the Assembly Commission in relation to maternity, paternity and adoption provisions.

Mr Stewart presented his paper providing additional advice on the measures within the remit of the Assembly Commission. He outlined that support could be provided to MLAs by means of the publication of a further Determination to increase the level of Staffing Costs available to MLAs during a period of maternity, paternity or adoption. He then sought Members' views on the duration, quantum and qualifying criteria for any such provision and whether a further Determination should proceed if progress was not anticipated on the Assembly Members (Remuneration Board) Bill.

Following discussion, Members agreed that the draft provisions for maternity, paternity and adoption for MLA constituency offices to be included in a new Determination should be prepared and presented in a paper to a future Assembly Commission meeting, for agreement prior to the end of the current mandate, but that any new Determination would only be published alongside progress of the Assembly Members (Remuneration Board) Bill in the next mandate.

**Action:** Mr Stewart to consider the detail of a further Determination to increase the level of Staffing Costs available to MLAs during a period of maternity, paternity or adoption and present to a future Assembly Commission meeting prior to the start of the new mandate.

#### **14. POTENTIAL RESCHEDULING OF THE ASSEMBLY MEMBERS (REMUNERATION BOARD) BILL**

Members agreed that the introduction of the Assembly Members (Remuneration Board) Bill should not proceed in the current mandate and that no further Determinations would be issued until progress was made with the draft Bill.

It was noted by the Speaker, that the recommendation of the Clerk/Chief Executive and Director of Legal, Governance and Research Services was to proceed with the introduction of the Bill.

#### **15. UPDATE ON PROJECT TO REVIEW THE DISPLAY OF ARTEFACTS IN PARLIAMENT BUILDINGS**

Mr Ramsey updated Members on the status of the work to review and develop the display of artefacts in Parliament Buildings.

Mr Ramsey confirmed that engagement had taken place with Dr Eamon Phoenix who had agreed to assist with the project on a consultancy basis. He advised that a project Working Group which had been established had held its first meeting and agreed some initial actions.

Mr Ramsey stated that work on this project would be conducted in two phases, with phase one consisting of the development of high-level proposals for the display of items to depict key events and figures related to Parliament Buildings and the institutions linked to it. He confirmed that these initial proposals, based upon the available space in areas of public access, would be produced by the end of September 2021 and presented to Members for consideration shortly thereafter, to enable an agreed display to be in place for the planned Parliament Buildings Open Day in November 2021. In relation to the second phase, Mr Ramsey advised that this would take account of additional aspects of the history of the building and the institutions, and would



look at alternative ways of displaying such artefacts due to the limited space available.

In relation to the previous discussion on the planting of a centenary rose bush, the Speaker proposed that as the Assembly Commission would be having a further discussion on artefacts, the rose bush proposal could be paused until then to give the potential to agree a package of items.

Mr Ramsey also sought the Assembly Commission's views on dealing with requests from organisations, two of which had been received recently, to loan Assembly Commission artefacts, as loans of artefacts would potentially have an impact on the delivery of the Open Day proposal.

Following discussion, the Speaker proposed to seek to accommodate the loan requests in the interim and review the arrangements once decisions were taken on the display of artefacts for the Open Day in November 2021. Members were content with the Speaker's proposal.

**Action:** Speaker to reply to the two organisations approving their requests for the loan of artefacts for a limited period of time in light of the planned Parliament Buildings Open Day in November 2021.

## **16. SYSTEMS REVIEW PROJECT - OUTLINE BUSINESS CASE**

Mr Stewart presented an outline business case for the purchase of an integrated HR, payroll, finance and procurement solution, to replace the various systems currently in use that are coming out of contract or have already expired.

Mr Stewart stated that the business case outlined a number of business options, along with a recommendation to procure a new IT solution(s). Mr Stewart also advised Members of the anticipated expenditure necessary to implement, licence and maintain a new IT solution(s) over a 10-year period, and sought Assembly Commission approval to commence the procurement process.

Following consideration, Members approved the expenditure as outlined in the paper for a new integrated HR, payroll, finance and procurement solution.

## **17. ACTION PLAN TO ADDRESS FINDINGS FROM THE MEMBERS SURVEY 2021**

Gareth McGrath advised that 18 MLAs had taken part in the 2021 survey. Members noted the findings and the action plan that had been produced to address key areas for improvement identified.

*Kevin Pelan and Gavin Ervine joined the meeting at 4.33 pm for agenda item 18.*

## **18. DRAFT INDUCTION AND DEVELOPMENT FRAMEWORK FOR MEMBERS**

Kevin Pelan presented the paper which he stated was a follow-up to the Interim Member Development Plan for 2020-21, presented at the Assembly Commission meeting on 9 December 2020.

Mr Pelan confirmed that the Clerking and Member Support (CAMS) office had contacted parties in relation to current Member development needs and confirmed that following a request, further sessions on working with the media would be provided in early autumn.

Mr Pelan also advised that a dedicated 'one-stop' Intranet site for MLAs, was at an early stage of development but that the aim was to have it operational from the start of the new mandate.

Members approved the draft Parliamentary Induction and Development Framework for Members as presented.

*Kevin Pelan and Gavin Ervine left the meeting at 4.37 pm.*

## **19. COST ANALYSIS FOR FREEDOM OF INFORMATION (FOI) REQUESTS**

Tara Caul provided Members with a cost analysis in relation to the time spent by staff in processing FOI requests from 1 July 2020 to 31 May 2021, as requested by the Assembly Commission at its meeting on 19 February 2020.

Ms Caul advised Members that an appropriate limit of £600 applied to the Assembly Commission in relation to replying to an FOI request, as per the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 and stated that the limit would continue to be monitored by the Information Standards Office and business areas.

Members noted the paper.

## **20. ANNUAL EQUALITY PROGRESS REPORT TO THE EQUALITY COMMISSION 2020-21**

Members noted the Annual Equality Progress Report to the Equality Commission 2020-21 as presented.

**21. FIVE-YEAR REVIEW ON THE APPLICATION OF THE NORTHERN IRELAND ASSEMBLY COMMISSION'S EQUALITY SCHEME 2016-21**

Members noted the progress made on the implementation of Equality Scheme commitments as detailed in the five-year review of the Assembly Commission's Equality Scheme 2016-21.

**22. DRAFT DISABILITY ACTION PLAN 2021-25: PUBLIC CONSULTATION**

Members noted the Draft Disability Action Plan 2021-25 as presented and that a public consultation on the draft Plan would be undertaken.

**23. SECRETARIAT AUDIT AND RISK COMMITTEE ANNUAL REPORT 2020-21**

Jim Brooks, SARC Chairperson, presented the SARC Annual Report for 2020-2021, which provided a high level of assurance in relation to corporate governance.

Mr Brooks recorded his thanks to the former Assembly Commission representative, Mr Buchanan and the current Assembly Commission representative, Mr O'Dowd for their contributions to SARC.

Members noted the report.

**24. DECISIONS MADE VIA CORRESPONDENCE**

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

**Lighting Requests:**

60<sup>th</sup> Anniversary of the British Heart Foundation NI – **Approved.**

Herstory Light Show in support of the peace process in Belfast and Jerusalem – **Declined.**

40<sup>th</sup> Anniversary of the Motor Neurone Disease Association – **Approved.**

100<sup>th</sup> Anniversary of the State Opening of the First Parliament of Northern Ireland – **Approved.**

RNLI, first ever World Drowning Prevention Day – **Approved.**

**25. AOB**

There was no other business.

**26. DATE OF NEXT MEETING**

The Speaker proposed holding the next meeting in September 2021 unless a need arose to hold an earlier meeting. Officials to contact Members to agree a suitable date.

*The meeting ended at 4.53 pm.*

*The Speaker asked Members to stay for a closed session with Mr Brooks on the SARC Report.*