

COMMITTEE FOR FINANCE AND PERSONNEL

MINUTES OF PROCEEDINGS

WEDNESDAY, 16 SEPTEMBER 2015
ROOM 30, PARLIAMENT BUILDINGS

Present: Mr Daithí McKay MLA (Chairperson)
Mr Dominic Bradley MLA (Deputy Chairperson)
Ms Michaela Boyle MLA
Mrs Judith Cochrane MLA
Mr Leslie Cree MBE, MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mr Ian McCrea MLA
Mr Adrian McQuillan MLA
Mr Máirtín Ó Muilleoir MLA
Mr Jim Wells MLA

In Attendance: Mr Shane McAteer (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Clairita Frazer (Assistant Assembly Clerk)
Mr Oliver Bellew (Clerical Supervisor)
Miss Heather Graham (Clerical Officer)
Ms Angela Kelly (Legal Advisor – *Agenda item 6 only*)

Apologies: None

The meeting commenced at 11:05 am in public session.

Agreed: that agenda item 5 is covered by Hansard and the Official Report published on the Assembly's website.

1. Apologies

Apologies are detailed above.

2. Draft Minutes of Proceedings of 09 September 2015

Agreed: that the minutes will be published on the Assembly website.

3. Matters Arising

Table of requests for information from the Department of Finance and Personnel (DFP)

The Committee noted the summary table of requests for information from DFP which provided an update on any matters arising not covered elsewhere on the agenda.

4. Legal Complaints and Regulation Bill – Assembly Research Briefing

Members received a briefing on the Legal Complaints and Regulation Bill from Assembly Research.

Agreed: that the research paper is published on the Committee webpage in line with normal practice.

Agreed: to write to the Scottish Legal Complaints Commission (SLCC) and Dr Maeve Hosier inviting them to provide oral evidence on the Bill.

5. Legal Complaints and Regulation Bill – Departmental Briefing

Members received a briefing on the Legal Complaints and Regulation Bill from the following DFP official:

- Michael Foster, Senior Principal Legal Officer, Departmental Solicitors Office (Legal Services Review), DFP.

This session was recorded by Hansard.

Agreed: to forward the written submissions on the Bill received from the Bar Council and the Law Society, together with the Assembly Research paper, to DFP for a response.

Agreed: that the Department will provide a follow-up response to issues discussed during the session.

Ian McCrea left the meeting at 11:27 am

Dominic Bradley left the meeting at 11:29 am

Dominic Bradley rejoined the meeting at 11:33 am

Judith Cochrane left the meeting at 11:35 am

Jim Wells joined the meeting at 11:39 am

Judith Cochrane rejoined the meeting at 11:45 am

Ian McCrea rejoined the meeting at 11:50 am

Jim Wells left the meeting at 11:55 am

Jim Wells rejoined left the meeting at 11:56 am

Máirtín Ó Muilleoir left the meeting at 11:59 am
Máirtín Ó Muilleoir rejoined the meeting at 12:00 pm
Michaela Boyle left the meeting at 12:04 pm
Michaela Boyle rejoined the meeting at 12:05 pm

6. Review of the Sale of the National Asset Management Agency (NAMA) Loan Portfolio in Northern Ireland – Correspondence and Next Steps

Members considered options on how the Committee might proceed with holding further oral evidence sessions in relation to the ‘Review of the Sale of the NAMA Loan Portfolio in Northern Ireland’. Members agreed to take legal advice before deciding on the way forward in this regard.

The Committee then moved into closed session at 12:14pm in line with normal protocol for receiving legal advice.

Members received independent legal advice from Assembly Legal Services on various legal issues in relation to the options for receiving further oral evidence.

The Committee returned to open session at 1:07pm for the remainder of the meeting.

Mr McCallister proposed the following:

‘That the general approach of the Committee in taking further oral evidence on the Review will be on the basis of closed sessions with no live transmission of proceedings but with a verbatim transcript being published in a redacted form if necessary (with decisions on any redactions being taken on the basis of legal advice).’

Mr McKay proposed the following:

‘That the approach of the Committee in taking oral evidence from Mr Jamie Bryson on the Review will be on the basis of an open session, with the proceedings transmitted live and published in full in the Official Report by Hansard; but on the conditions that Mr Bryson provides the Committee with a copy of his opening statement in advance and that, in questioning the witness, members follow a set of discrete questions which focus on the Review Terms of Reference and are agreed by the Committee in advance.’

Mrs Cochrane proposed the following:

‘That the general approach of the Committee in taking further oral evidence on the Review will be on the following basis:

- i. where a witness can demonstrate their direct link with any of the parties referred to in the Review Terms of Reference, their oral evidence will be taken in public session with the proceedings transmitted live and published in full in the Official Report by Hansard; or***
- ii. where a witness is unable to demonstrate their direct link with any of the parties referred to in the Review Terms of Reference, their oral evidence will be taken in closed session with no live transmission of proceedings but with a verbatim transcript***

being published in a redacted form if necessary (with decisions on any redactions being taken on the basis of legal advice).'

Mr Ó Muilleoir proposed the following:

'That the general approach of the Committee in taking further oral evidence on the Review will be on the basis of open sessions, with the proceedings transmitted live and published in full in the Official Report by Hansard.'

The question was put on Mr McCallister's proposal.

The Committee divided:

Ayes	Noes	Abstained
Paul Girvan	Michaela Boyle	Judith Cochrane
John McCallister	Dominic Bradley	
Ian McCrea	Leslie Cree	
Adrian McQuillan	Daithí McKay	
Jim Wells	Máirtín Ó Muilleoir	

The proposal fell.

The question was put on Mr McKay's proposal.

The Committee divided:

Ayes	Noes	No Vote
Michaela Boyle	Judith Cochrane	
Dominic Bradley	Leslie Cree	
Daithí McKay	Paul Girvan	
Máirtín Ó Muilleoir	John McCallister	
	Ian McCrea	
	Adrian McQuillan	
	Jim Wells	

The proposal fell.

The question was put on Mrs Cochrane's proposal.

The Committee divided:

Ayes	Noes	No Vote
Judith Cochrane	Michaela Boyle	
Paul Girvan	Dominic Bradley	
John McCallister	Leslie Cree	
Ian McCrea	Daithí McKay	
Adrian McQuillan	Máirtín Ó Muilleoir	
Jim Wells		

The proposal was carried.

The question was not put on Mr Ó Muilleoir's proposal because it was mutually exclusive with Mrs Cochrane's proposal which had been carried.

Agreed: to invite Mr Graham Craig and Mr Allan Ewart to provide oral evidence in relation to the Review, on the basis that they each held the post of Special Adviser to former Ministers of Finance and Personnel during the period covered by the Review.

Members considered a written submission from Cerberus which was tabled at the meeting.

Agreed: to write to Cerberus seeking clarification in relation to the following queries arising from paragraphs 2.9 and 4.5 of its written submission: clarification on who the 'letter to be presented to the Northern Irish Executive...' was issued to and to request a copy of same; and clarification on what Tughans did to earn a share of the 'success fee' paid by Cerberus to Brown Rudnick.

Agreed: that, in line with the approach taken by the Committee to date, Assembly Research will be commissioned to prepare further questions and that members will also have the opportunity to submit further questions arising from the Cerberus response, which will be considered by Assembly Legal Services, as a safeguard in ensuring that the Committee remains within its Terms of Reference, before being agreed by the Committee for issuing to Cerberus.

Agreed: to write to Fortress Investment Group seeking clarification on: what representations, if any, were received, including from Mr Frank Cushmanhan or Tughans, in relation to bidding on the Project Eagle Sale; and on why they submitted a bid which was below the reserve price.

Agreed: that the correspondence with John J Rice Solicitors, KRW Law Advocates, PIMCO, Cerberus and the Head of the Northern Ireland Civil Service is published on the Committee's webpages.

Dominic Bradley left the meeting at 12:26 pm

Dominic Bradley rejoined the meeting at 12:27 pm

Jim Wells left the meeting at 12:35 pm

Jim Wells rejoined the meeting at 12:35 pm

Michaela Boyle left the meeting at 12:35 pm

Michaela Boyle rejoined the meeting at 12:40 pm

Máirtín Ó Muilleoir left the meeting at 12:53 pm

Judith Cochrane left the meeting at 12:56 pm

Máirtín Ó Muilleoir rejoined the meeting at 12:56 pm

Jim Wells left the meeting at 12:58 pm

Judith Cochrane rejoined the meeting at 1:04 pm

The Committee returned to public session at 1:07pm for the remainder of the meeting.

John McCallister left the meeting at 1:43 pm
Dominic Bradley left the meeting at 1:43 pm
Ian McCrea left the meeting at 1:43 pm
Judith Cochrane left the meeting at 1:45 pm
Jim Wells left the meeting at 1:45 pm
Paul Girvan left the meeting at 1:48 pm
Paul Girvan rejoined the meeting at 1:50 pm

7. Correspondence

Agreed: to defer consideration of agenda item 7: correspondence until the next Committee meeting.

8. Committee Work Programme

Agreed: to defer consideration of agenda item 8: Committee Work Programme until the next Committee meeting.

9. Any Other Business

There was no other business.

10. Date, Time and Place of Next Meeting

The next scheduled meeting of the Finance and Personnel Committee will be held on Wednesday, 23 September 2015 at 10:00 am, Room 30, Parliament Buildings.

The Chairperson adjourned the meeting at 1:58 pm.

Mr Daithí McKay MLA
Chairperson
Committee for Finance and Personnel
23 September 2015