

COMMITTEE FOR FINANCE AND PERSONNEL

MINUTES OF PROCEEDINGS

**WEDNESDAY, 14 OCTOBER 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 Gordon Lyons MLA	
	Mr John McCallister MLA	
	Mr Ian McCrea MLA	
	Mr Máirtín Ó Muilleoir MLA	
	Ms Emma Pengelly 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 Nory Kaplan-Kelly	(Legislative Studies Programme Student)
	Mr Oliver Bellew	(Clerical Supervisor)
	Miss Heather Graham	(Clerical Officer)
Apologies:	None	

The meeting commenced at 10:05am in public session.

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

Agreed: that the oral evidence from the First Minister in relation to agenda item 5 is taken in open session, in line with the Committee's previously agreed approach for taking further oral evidence for the Review of the Sale of National Asset Management Agency (NAMA) assets in Northern Ireland.

1. Apologies

Apologies are detailed above.

2. Draft Minutes of Proceedings of 7 October 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.

Electronic Committee Packs and Tabled Papers

Members noted that the Committee secretariat is considering the feasibility for improvements to the Electronic Committee Pack system in order that members can navigate their main and tabled packs more easily.

Agreed: that hard copies of key papers, in particular the agenda, will be tabled for members convenience until such time as improvements can be made to the Electronic Committee Pack system.

Emma Pengelly declared an interest as a former Special Adviser to the First Minister from 2007-2015, which did not include responsibility for advising on matters relating to NAMA; and reiterated that her husband, Mr Richard Pengelly, was a senior official in DFP prior to NAMA's formation and until his departure from the Department in December 2012.

Jim Wells left the meeting at 10:08am

Jim Wells rejoined the meeting at 10:11am

John McCallister joined the meeting at 10:20am

4. Review of the sale of NAMA assets in Northern Ireland – Papers provided by DFP

Members noted that the scheduled oral briefing from Assembly Legal Services on this issue had been cancelled as the matter had been superseded by a response received from the Minister of Finance and Personnel on 9 October 2015. The Minister had indicated that the Permanent Secretary could now attend a further oral evidence session in relation to the Review. In addition, the Department had provided further papers requested by the Committee and had indicated agreement for most of the departmental papers to be released.

Agreed: to publish on the Committee's web pages those papers which the Department has indicated it is content for the Committee to release, subject to the Committee staff

checking that the necessary redactions have been made to meet data protection requirements.

Agreed: to seek legal advice from Assembly Legal Services regarding the grounds which DFP has provided for requesting that certain documents are not released.

Agreed: that the Chairperson will write to the Minister to seek clarification on whether any documents are being withheld from the Committee which relate to the operations of NAMA in Northern Ireland.

Judith Cochrane joined the meeting at 10:30am

Ian McCrea left the meeting at 11:34am

Ian McCrea rejoined the meeting at 11:44am

John McCallister left the meeting at 11:49am

John McCallister rejoined the meeting at 11:51am

Michaela Boyle left the meeting at 12:08pm

Michaela Boyle rejoined the meeting at 12:12pm

Dominic Bradley left the meeting at 1:05pm

5. Review of the sale of NAMA assets in Northern Ireland – Briefing by the Rt. Hon. Peter Robinson, MLA (First Minister)

Members noted the following correspondence: a holding reply from the Head of the Northern Ireland Civil Service to the Committee's request for a copy of all documents held by the Office of the First and deputy First Minister (OFMDFM) relating to NAMA; a follow up response from the deputy First Minister to queries raised during the evidence session on 23 September 2015; and email communication from Dr Dara O'Hagan in response to issues raised during the evidence session with the deputy First Minister on 23 September 2015.

Agreed: that the Chairperson will write to the Head of the Civil Service to reiterate the Committee's request that all documentation held by OFMDFM, which is relevant to the Committee's Review, is provided urgently.

Agreed: to publish the correspondence from the Head of the Civil Service, the deputy First Minister and Dr O'Hagan on the Committee web pages.

Members received oral evidence on the Review of the Sale of the NAMA loan portfolio in Northern Ireland from the First Minister, Rt. Hon. Peter Robinson MLA.

This session was recorded by Hansard

Agreed: that the First Minister will provide follow up information in relation to various issues discussed during the session.

Agreed: that the Committee will make enquiries as to the availability of minutes of the

meeting on 27 September 2013 between the First Minister, the then Minister of Finance and Personnel, Simon Hamilton MLA, and the Irish Government's Minister for Finance, Michael Noonan TD.

Agreed: that Assembly Research will be requested to update the Timeline on the NAMA Project Eagle sale to take account of the additional meetings identified in the recent evidence to the Committee.

Agreed: that the Chairperson will write again to the former Ministers of Finance and Personnel, Simon Hamilton and Sammy Wilson, to reiterate the Committee's request that they indicate their availability to attend oral hearings in relation to the Review.

Agreed: to write to NAMA for clarification on: the initial and final reserve price and the receipt for the Project Eagle portfolio; and on the nature and amount of investment by NAMA in relation to its Northern Ireland portfolio.

6. Review of the sale of NAMA assets in Northern Ireland – Correspondence and next steps

Correspondence with Mr Paul Tweed, Johnsons Solicitors

Members noted correspondence from Mr Paul Tweed, Johnsons Solicitors, in response to the Committee's request for information on the identities of the clients which Mr Tweed alluded to in his letter of 22 September 2015.

Agreed: to publish the correspondence with Mr Tweed on the Committee's web pages.

Correspondence with Mr Stephen Peover, former DFP Permanent Secretary

The Committee noted correspondence with Mr Stephen Peover in relation to his availability to attend an oral hearing in relation to the Review.

Agreed: to schedule an oral evidence session with Mr Peover on one of the dates identified.

Directorships/shareholdings of Mr Frank Cushnahan

Members considered papers in relation to the directorships and shareholdings of Mr Frank Cushnahan in Lehill Properties Ltd and its subsidiaries.

Agreed: that the Committee will take steps to further enquire into this issue, including members providing questions to supplement those prepared by Assembly Research, which will be considered by Assembly Legal Services before being issued to Mr Frank Cushnahan (and, where applicable, to Mr Gareth Graham) for written response.

Updated table of responses pending to the Committee's requests

Members noted an updated table of responses pending to Committee requests for information and briefings in relation to the Review.

Agreed: to publish the updated table on the Committee's webpage.

Response from PIMCO

Members considered correspondence from PIMCO, dated 13 October 2015, in response to questions raised by the Committee.

Agreed: that members will consider whether they wish to submit follow-up questions arising from the correspondence, for consideration and agreement by the Committee before issuing to PIMCO for written response.

Agreed: to publish the response from PIMCO on the Committee's web pages.

Agreed: to schedule oral evidence sessions in relation to the Review with the following: David Sterling, Permanent Secretary, DFP; Richard Bullick, Special Adviser to the First Minister; and Dr Dara O'Hagan, former Special Adviser to the deputy First Minister.

7. Correspondence

Members noted the following correspondence;

- Departmental update on procurement issues;
- EU Division: DFP update on EU Issues;
- DFP response to the Committee's request for written progress updates on a number of issues, including the Change Fund;
- Law Society of Northern Ireland: response to issues raised by the Committee with regard to the Legal Complaints and Regulation Bill;

Agreed: to publish the Law Society's response on the Committee's web page and to seek a response from DFP to any applicable issues.

- Scottish Parliament's Devolution (Further Powers) Committee: report on the Parliamentary Oversight and Reporting of Intergovernmental Relations under the new provisions in the Scotland Bill;
- HM Revenue and Customs: response to a query raised by a member of the public;

- Member of the public: acknowledgement regarding the Committee's assistance in seeking a response from Land and Property Services in relation to a complaint;
- Member of the public: allegations of fraud and abuse of the EU Public Tax Fund;
- EU Newsletter 07/2015;
- Assembly Bill Office & DFP: clarification on an issue arising from DFP evidence on the Rates (Amendment) Bill.

8. Committee Work Programme

Legal Complaints and Regulation Bill

Agreed: to forward initial scrutiny points in relation to the Bill to DFP for a written response.

The Committee noted the draft work programme to Christmas recess.

Agreed: that the work programme will be updated to reflect any agreements made today and will be published on the Committee's website.

Jim Wells left the meeting at 1:14pm

Review of Civil and Family Justice

Members considered further correspondence on this matter from the Office of the Lord Chief Justice.

Agreed: that the Chairperson and Deputy Chairperson will meet with Justice Gillen for an informal discussion on the matter, once the review terms of reference have been forwarded to the Committee.

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, 21 October 2015 at 10:00am, Room 30, Parliament Buildings.

The Chairperson adjourned the meeting at 1:15pm.

Mr Daithí McKay MLA
Chairperson
Committee for Finance and Personnel
14 October 2015