

## **COMMITTEE FOR FINANCE AND PERSONNEL**

### **MINUTES OF PROCEEDINGS**

**WEDNESDAY, 4 NOVEMBER 2015  
ROOM 30, PARLIAMENT BUILDINGS**

Present:	Mr Daithí McKay MLA	(Chairperson)
	Mr Dominic Bradley MLA	(Deputy Chairperson)
	Ms Michaela Boyle MLA	
	Mr Leslie Cree MBE, MLA	
	Mr Gordon Lyons MLA	
	Mr John McCallister MLA	
	Mr Ian McCrea 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 Nory Kaplan-Kelly	(Legislative Studies Programme Student)
	Mr Oliver Bellew	(Clerical Supervisor)
	Miss Heather Graham	(Clerical Officer)

Apologies: Mrs Judith Cochrane MLA

*The meeting commenced at 10:09am in public session.*

*Agreed:* that agenda items 4, 6 & 7 are 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 21 October 2015**

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

*Dominic Bradley joined the meeting at 10:10am*

## **3. Matters Arising**

### The Assembly and Executive Reform (Assembly Opposition) Bill

Members considered a draft response to the Assembly and Executive Review Committee's call for evidence on the Assembly and Executive Reform (Assembly Opposition) Bill.

*Agreed:* that the response, as drafted, is submitted to the Assembly and Executive Review Committee.

### 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. Legislative Consent Motion: Proposed Cap on Public Sector Exit Payments – Departmental briefing**

The Committee received a briefing on the Legislative Consent Motion (LCM) on the Proposed Cap on Public Sector Exit Payments from the following officials:

- Grace Nesbitt – Head of Pensions, DFP, and
- Blathnaid Smyth – Pensions Division, DFP.

*This session was recorded by Hansard.*

*Agreed:* that the DFP officials will provide an urgent written response on various issues discussed during the session and on issues raised in correspondence to the Committee from key stakeholders.

*Agreed:* to publish the papers relating to the LCM on the Committee webpages.

*Agreed:* to inform the relevant statutory committees about the LCM, given the cross-cutting interest.

*Agreed:* to invite the Equality Commission to make a written submission in terms of any possible equality considerations in relation to the provisions covered under the proposed LCM.

*Agreed:* that the Committee is content, in principle, to hold an additional meeting on Thursday 12 November 2015 to take oral evidence from a panel of Trade Union representatives. The timing of this meeting will be scheduled according to the availability of the majority of members.

*Jim Wells joined the meeting at 10:20am*  
*Máirtín Ó Muilleoir left the meeting at 10:38am*  
*Máirtín Ó Muilleoir rejoined the meeting at 10:40am*  
*Gordon Lyons left the meeting at 10:46am*  
*Gordon Lyons rejoined the meeting at 10:52am*  
*Michaela Boyle left the meeting at 10:53am*

## **5. Subordinate Legislation**

### **S.R 2015/347 – Superannuation (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Order (NI) 2015**

Members considered the departmental papers relating to this statutory rule.

It was noted that the Examiner of Statutory Rules had confirmed that he has no points to raise by way of technical scrutiny in relation to the Rule.

*Agreed:* that the Committee has considered S.R 2015/347 – Superannuation (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Order (NI) 2015 and has no objection to the rule.

### **S.R 2015/348 – The Public Service Pensions (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Regulations (NI) 2015**

Members considered the departmental papers relating to this statutory rule.

It was noted that the Examiner of Statutory Rules had confirmed that he has no points to raise by way of technical scrutiny in relation to the Rule.

*Agreed:* that the Committee has considered S.R 2015/348 – The Public Service Pensions (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Regulations (NI) 2015 and has no objection to the rule.

## **6. Review of the Sale of National Asset Management Agency assets in Northern Ireland – briefing by DFP officials**

The Committee received a briefing on the Review of the Sale of the National Asset Management Agency (NAMA) assets in Northern Ireland from the following DFP officials:

- David Sterling – Permanent Secretary; DFP; and
- Tony Simpson – Strategic Policy Division, DFP.

*This session was recorded by Hansard.*

*Agreed:* that the DFP officials will provide a follow-up response to specific queries raised during the session in relation to the names of individuals being redacted from certain papers provided by the Department to date.

*Agreed:* that DFP officials will provide follow-up clarification on what records it holds of conference calls between the previous DFP Ministers and NAMA/Department of Finance (Republic of Ireland) and on which departmental officials were present during these calls.

*John McCallister joined the meeting at 10:58am*

*Ian McCrea left the meeting at 10:58am*

*Michaela Boyle rejoined the meeting at 11:01am*

*Ian McCrea rejoined the meeting at 11:01am*

*Dominic Bradley left the meeting at 11:07am*

*Dominic Bradley rejoined the meeting at 11:11am*

## **7. Review of the sale of NAMA assets in Northern Ireland – briefing by Mr Paddy Kearney, local businessperson**

*Agreed:* that the Committee was content to facilitate Mr Kearney's request that he be accompanied by Alan Mains as his associate and advisor.

The Committee received a briefing on the Review of the Sale of NAMA assets in Northern Ireland from the following:

- Paddy Kearney – Local businessperson; and
- Alan Mains – Associate & Advisor.

*This session was recorded by Hansard.*

*Agreed:* to write to Peter Robinson MLA (First Minister), with reference to his letter of 24 May 2013 to NAMA on behalf of Mr Kearney, to clarify in what capacity he met with and acted on behalf of Mr Kearney and whether there are any notes of meetings which took place between him and Mr Kearney.

*Agreed:* to invite John Miskelly to provide oral evidence in relation to the Committee's Review and, in the event that Mr Miskelly is engaged in current legal proceedings of relevance, the Committee will request refresher advice from Assembly Legal Services on subjudice and contempt of court considerations when taking such oral evidence.

*Ian McCrea left the meeting at 12:41pm*

*Ian McCrea rejoined the meeting at 12:50pm*

*Dominic Bradley left the meeting at 1:00pm*

*Dominic Bradley rejoined the meeting at 1:08pm*

*Michaela Boyle left the meeting at 1:25pm*

## **8. Review of the sale of NAMA assets in Northern Ireland – Correspondence and next steps**

### **Correspondence from the former Minister of Finance and Personnel, Sammy Wilson MP**

Members considered correspondence from Sammy Wilson MP in relation to his availability to brief the Committee.

*Agreed:* that, in order to facilitate Mr Wilson in attending an oral hearing, the Committee is prepared to hold an additional meeting on a Thursday or Friday on a mutually convenient date.

#### Correspondence from former DFP Public Spending Director, Richard Pengelly

Members noted correspondence from Mr Pengelly in relation to his availability to brief the Committee on 18 November 2015.

#### Follow-up questions to NAMA

The Committee considered follow-up questions for NAMA, which had been considered by Assembly Legal Services to ensure adherence to the terms of reference for the Review.

*Agreed:* to issue the follow-up questions to NAMA for written response and to publish this correspondence on the Committee webpage in line with the approach taken to date.

#### Correspondence from the Head of the Northern Ireland Civil Service

Members considered correspondence from the Head of the Civil Service which provided the documents held by the Office of the First Minister and Deputy First Minister relating to the operations of NAMA in Northern Ireland.

*Agreed:* to publish the correspondence and papers from OFMDFM on the Committee's webpage, subject to confirmation that the redactions already made by OFMDFM covered all the necessary Data Protection requirements.

### **9. Correspondence**

Members noted the following correspondence:

- DFP – marshalled list of amendments for the further consideration stage of the Children's Services Cooperation Bill;
- DFP – 2<sup>nd</sup> quarter update on LPS performance against 2015-16 operating plan;
- DFP – consultation paper for the Review of Non Domestic Rates & DFP Press release;  
*Agreed:* to write to DFP asking for an oral briefing on the issues emerging from the consultation later in the process.
- OFMDFM Committee: briefing papers for the Relocation of the Vulnerable Persons Scheme;
- Audit Committee correspondence to DFP re Memorandum of Understanding on the Budget Process;
- Chairpersons' Liaison Group update on the key issues considered at its meeting of 22 October 2015;
- Assembly Research – publications update for June to October 2015;
- Chartered Institute of Public Finance and Accountancy – briefing paper on the Barnett Formula;

*Agreed:* to commission a comparative research paper from Assembly Research on the potential devolved funding implications from ‘English Votes for English Laws’ and on how the other devolved governments are responding to this development at Westminster.

- Scottish Parliament – proposals in relation to inter-parliamentary relations;
- Member of the public – further correspondence in relation to dissatisfaction with LPS;

*Agreed:* to forward to DFP for a direct response and to respond to the correspondent highlighting that the Committee does not get involved with individual cases.

- DFP – Draft Budget Briefing.

*Agreed:* to be discussed under Committee Work Programme.

## **10. Committee Work Programme**

### Correspondence from the Speaker

Members noted correspondence from the Speaker to Committee Chairs regarding the arrangements for the Assembly’s official Act of Remembrance on 11 November 2015.

### Legal Complaints and Regulation Bill

*Agreed:* that a written submission from Dr Maeve Hosier will be forwarded to DFP for an oral response to the issues highlighted at next week’s session.

### Draft Budget

Members considered a DFP response to the Committee’s request for a briefing on the process for agreeing the Executive’s Draft Budget 2016-17.

*Agreed:* to respond to DFP requesting a briefing on what the Department will be proposing to the Executive in relation to the process for agreeing Budget 2016-17 and in terms of strategic issues to be addressed.

*Agreed:* that the Committee will be prepared to schedule an additional meeting to facilitate Ministerial briefings on the Rates (Amendment) Bill and the strategic priorities for DFP.

*Agreed:* that the Work Programme is updated to reflect any agreements made today and published on the Committee’s website.

## **11. Any Other Business**

There was no other business.

## **12. Date, Time and Place of Next Meeting**

The next scheduled meeting of the Finance and Personnel Committee will be held on Wednesday, 11 November 2015 at 10:00am, Room 30, Parliament Buildings.

*The Chairperson adjourned the meeting at 1:45pm.*

**Mr Daithí McKay MLA**  
**Chairperson**  
**Committee for Finance and Personnel**  
**11 November 2015**