

COMMITTEE FOR FINANCE AND PERSONNEL

MINUTES OF PROCEEDINGS

**WEDNESDAY, 25 NOVEMBER 2015
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Daithí McKay MLA (Chairperson)
Ms Michaela Boyle MLA
Mr Leslie Cree MBE, MLA
Mr Gordon Lyons 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 Joe Westland (Clerical Supervisor)
Mr Oliver Bellew (Clerical Supervisor)
Miss Heather Graham (Clerical Officer)

Apologies: Mr Dominic Bradley MLA (Deputy Chairperson)
Mrs Judith Cochrane MLA
Mr John McCallister MLA
Mr Gary Middleton MLA

The meeting commenced at 10:16am in public session.

Agreed: that agenda items 4 and 5 are recorded by Hansard.

1. Apologies

As above.

2. Draft minutes of proceedings 17 & 18 November 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 matters arising not covered elsewhere on the agenda.

Rates (Amendment) Bill

Members noted that a panel of sports groups comprising of Ulster Rugby, Sport NI and the Irish Football Association will brief the Committee on Wednesday 2 December 2015. The Chairperson advised members that the Gaelic Athletic Association had not yet confirmed attendance for 2 December and that a panel of business representatives, made up of the Federation of Small Businesses and Hospitality Ulster, will provide a briefing on Thursday 3 December 2015.

Agreed: that the NI Sports Forum and the NI Federation of Clubs, which had provisionally indicated their availability, would also be invited to provide a briefing on 2 December 2015.

Members noted correspondence from DFP and an indicative timetable for the Bill.

Agreed: that the Hansard transcript of the evidence session with the Minister of Finance and Personnel on 17 November 2015 is copied to the sports and business representatives providing briefings next week.

4. November Monitoring Round – Briefing from DFP officials

Members received a briefing on the November Monitoring Round from the following DFP officials:

- Ms Joanne McBurney, Head of Central Expenditure Division, DFP;
- Mr Stephen Barrett, Central Expenditure Division, DFP;
- Ms Brigitte Worth, Finance Director, CSG, DFP, and
- Ms Preeta Miller, Finance Division, DFP.

Agreed: that the departmental officials will brief the Committee on the Executive's Draft Budget 2016-17 at the earliest opportunity following Executive agreement.

This session was recorded by Hansard.

5. Sale of National Asset Management Agency Assets (NAMA) in Northern Ireland: Correspondence and Next Steps

The Committee considered items of correspondence from DFP and from John J Rice & Co (on behalf of Mr Frank Cushnahan) in relation to the review.

Agreed: that correspondence from DFP will be published on the Committee's webpages, in line with the approach taken to date.

Agreed: to issue the response, including questions to Mr Cushnahan, to John J Rice & Co, subject to the covering letter being considered by Assembly Legal Services; and that this response and associated correspondence will be published on the Committee's webpages in line with the approach taken to date.

Agreed: that the planned evidence session with Mr John Miskelly be rescheduled to Thursday 3 December 2015.

The Committee was reminded that the planned evidence sessions with the Former Minister of Finance and Personnel, Mr Simon Hamilton, and the former DFP Permanent Secretary, Mr Stephen Peover, needed to be postponed due to the additional Assembly plenary session on Wednesday 18 November 2015.

Agreed: that the evidence sessions with Messrs Hamilton and Peover will be rescheduled into the work programme for a mutually convenient date.

Mr Jim Wells joined the meeting at 10.46am

6. Legal Complaints and Regulation Bill – formal clause-by-clause scrutiny

The Committee considered a number of draft amendments to the Legal Complaints and Regulation Bill which had been prepared at its request. Members were briefed by the Bill Clerk on the draft amendments prepared by the Assembly Bill Office and by the following departmental official on the draft amendments prepared by the Department:

- Mr Michael Foster - DFP

Agreed: that the Committee is content with the following draft amendment from DFP:

Clause 2, page 1, line 17

At end insert –

‘(aa) require a professional body to provide the Commissioner with such information in relation to the number of complaints made against the members of that body as the Commissioner may specify;’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 8, page 5, Line 4

After ‘privileged’ insert ‘unless the publication is proved to be made with malice’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 17, Page 8, Line 12

Leave out ‘, without consideration of its merits’

Agreed: that the Committee is content with the following draft amendment prepared by DFP which may be subject to slight change:

Clause 19, Page 10, Line 18

After ‘apology’ insert ‘(which shall not, of itself, amount to an admission of negligence for the purpose of any civil proceedings)’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 29, Page 15, Line 26

At end insert –

‘(1A) The Law Society must make regulations requiring every solicitor to provide the Law Society with such information about the number of relevant complaints made in relation to that solicitor as may be specified in the regulations.’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 29, Page 15, Line 28

At end insert ‘and (1A)’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 29, Page 15, Line 29

After ‘(1)’ insert ‘and (1A)’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 36, Page 18, Line 12

Leave out ‘, without consideration of its merits’

Agreed: that the Committee is content with the following draft amendment prepared by DFP which may be subject to slight change:

Clause 38, Page 20, Line 18

After ‘apology’ insert ‘(which shall not, of itself, amount to an admission of negligence for the purpose of any civil proceedings)’

Agreed: that the Committee will propose the following amendment prepared by the Assembly Bill Office:

Clause 50, Page 26, Line 22, at end insert-

‘50A—(1) The Department must not later than 3 years after the commencement of this Act appoint an independent person to review and publish a report on the implementation of this Act.

(2) Regulations under this section shall set out the terms of the review.’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 51, Page 26, Line 32

Leave out ‘and’ and insert ‘but’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Clause 51, Page 26, Line 33

Leave out ‘does so’ and insert ‘modifies an Act of Parliament or Northern Ireland legislation’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Schedule 1, Page 31, Line 29

After ‘report’ insert ‘, in such form as the Department may require,’

Agreed: that the Committee is content with the following draft amendment prepared by DFP:

Schedule 1, Page 31, Line 30

At end insert –

‘(1A) Without prejudice to the generality of sub-paragraph (1), a report sent to the Department under that sub-paragraph must contain information on the number of complaints made in relation to the members of each professional body during the year to which the report relates.’

The Committee then proceeded to the formal clause-by-clause consideration of the Bill.

Clause 1: The Legal Services Oversight Commissioner for Northern Ireland

Agreed: that the Committee is content with Clause 1 as drafted.

Clause 2: General powers of the Commissioner.

Agreed: that the Committee is content with Clause 2, subject to the proposed amendment which has been agreed with the Department.

Clause 3: Duty of certain bodies to consult Commissioner

Agreed: that the Committee is content with Clause 3 as drafted.

Clause 4: Duty of Commissioner to review certain matters

Agreed: that the Committee is content with Clause 4 as drafted.

Clause 5: The levy

Agreed: that the Committee is content with Clause 5 as drafted.

Clause 6: The levy: supplementary provisions

Agreed: that the Committee is content with Clause 6 as drafted.

Clause 7: Payments by Department

Agreed: that the Committee is content with Clause 7 as drafted.

Clause 8: Privilege for certain publications

Agreed: that the Committee is content with Clause 8, subject to the proposed amendment which has been agreed with the Department.

Clause 9: Lay observer.

Agreed: that the Committee is content with Clause 9 as drafted.

Clause 10: Interpretation of Part I.

Agreed: that the Committee is content with Clause 10 as drafted.

Clauses 11: Complaints procedures for barristers

Agreed: that the Committee is content with Clause 11 as drafted

Clauses 12: Bar Complaints Committee

Agreed: that the Committee is content with Clause 12 as drafted.

Clause 13: Jurisdiction of the Bar Complaints Committee.

Agreed: that the Committee is content with Clause 13 as drafted.

Clause 14: Excluded complaints

Agreed: that the Committee is content with Clause 14 as drafted.

Clause 15: Complainants

Agreed: that the Committee is content with Clause 15 as drafted.

Clause 16: Orders under section 15

Agreed: that the Committee is content with Clause 16 as drafted.

Clause 17: Procedure for complaints

Agreed: that the Committee is content with Clause 17, subject to the proposed amendment which has been agreed with the Department.

Clause 18: Notification requirements

Agreed: that the Committee is content with Clause 18 as drafted.

Mr Máirtín Ó Muilleoir joined the meeting at 11.21am

Clause 19: Determination of complaints

Agreed: that the Committee is content with Clause 19, subject to the proposed amendment which has been agreed with the Department and which may be subject to slight change.

Clause 20: Alteration of compensation limit

Agreed: that the Committee is content with Clause 20 as drafted.

Clause 21: Appeals

Agreed: that the Committee is content with Clause 21 as drafted.

Clause 22: Information and documents

Agreed: that the Committee is content with Clause 22 as drafted.

Clause 23: Reporting failures to provide or produce documents

Agreed: that the Committee is content with Clause 23 as drafted.

Clause 24: Enforcement of requirements to provide information or produce documents

Agreed: that the Committee is content with Clause 24 as drafted.

Clause 25: Reports of investigations

Agreed: that the Committee is content with Clause 25 as drafted.

Clause 26: Protection from defamation claims

Agreed: that the Committee is content with Clause 26 as drafted.

Clause 27: Consultation requirements for Bar Complaints Committee rules

Agreed: that the Committee is content with Clause 27 as drafted.

Clause 28: Interpretation of Part II

Agreed: that the Committee is content with Clause 28 as drafted.

Clause 29: Complaints procedures for solicitors

Agreed: that the Committee is content with Clause 29, subject to the proposed amendment which has been agreed with the Department.

Clause 30: Solicitors Complaints Committee

Agreed: that the Committee is content with Clause 30 as drafted.

Clause 31: Jurisdiction of the Solicitors Complaints Committee

Agreed: that the Committee is content with Clause 31 as drafted.

Clause 32: Excluded complaints

Agreed: that the Committee is content with Clause 32 as drafted.

Clause 33: Complainants

Agreed: that the Committee is content with Clause 33 as drafted.

Clause 34: Orders under section 33

Agreed: that the Committee is content with Clause 34 as drafted.

Clause 35: Continuity of complaints

Agreed: that the Committee is content with Clause 35 as drafted.

Clause 36: Procedure for complaints

Agreed: that the Committee is content with Clause 36, subject to the proposed amendment which has been agreed with the Department.

Clause 37: Notification requirements

Agreed: that the Committee is content with Clause 37 as drafted.

Clause 38: Determination of complaints

Agreed: that the Committee is content with Clause 38, subject to the proposed amendment which has been agreed with the Department and which may be subject to slight change.

Clause 39: Alteration of compensation limits

Agreed: that the Committee is content with Clause 39 as drafted.

Clause 40: Appeals

Agreed: that the Committee is content with Clause 40 as drafted.

Clause 41: Information and documents

Agreed: that the Committee is content with Clause 41 as drafted.

Clause 42: Reporting failures to provide information or produce documents

Agreed: that the Committee is content with Clause 42 as drafted.

Clause 43: Enforcement of requirements to provide information or produce documents

Agreed: that the Committee is content with Clause 43 as drafted.

Clause 44: Reports of investigations

Agreed: that the Committee is content with Clause 44 as drafted.

Clause 45: Protection from defamation claims

Agreed: that the Committee is content with Clause 45 as drafted.

Clause 46: Consultation requirements for Solicitors Complaints Committee rules

Agreed: that the Committee is content with Clause 46 as drafted.

Mr Gordon Lyons left the meeting at 11.28am

Clause 47: The Solicitors Disciplinary Tribunal

Agreed: that the Committee is content with Clause 47 as drafted.

Clause: 48: Recognised bodies

Agreed: that the Committee is content with Clause 48 as drafted.

Clause 49: Interpretation of Part III

Agreed: that the Committee is content with Clause 49 as drafted.

Clause 50: Interpretation

Agreed: that the Committee is content with Clause 50, subject to the proposed amendment which will be tabled by the Committee at Consideration Stage.

Clause 51: Further provision

Agreed: that the Committee is content with Clause 51, subject to the proposed amendment which has been agreed with the Department.

Clause 52: Minor and consequential amendments

Agreed: that the Committee is content with Clause 52 as drafted.

Clause 53: Repeals

Agreed: that the Committee is content with Clause 53 as drafted.

Clause 54: Commencement

Agreed: that the Committee is content with Clause 54 as drafted.

Clause 55: Short title

Agreed: that the Committee is content with Clause 55 as drafted.

Schedule 1: The Legal Services Oversight Commissioner for Northern Ireland

Agreed: that the Committee is content with Schedule 1, subject to the proposed amendments which have been agreed with the Department.

Schedule 2: The Bar Complaints Committee

Agreed: that the Committee is content with Schedule 2 as drafted.

Schedule 3: The Solicitors Complaints Committee

Agreed: that the Committee is content with Schedule 3 as drafted.

Schedule 4: Minor and consequential amendments

Agreed: that the Committee is content with Schedule 4 as drafted.

Schedule 5: Repeals

Agreed: that the Committee is content with Schedule 5 as drafted.

Mr Gordon Lyons re-joined the meeting at 11.32am

Long Title of the Bill

Agreed: that the Committee is content with the Long Title of the Bill as printed.

This session was recorded by Hansard

7. Correspondence

Members noted the following correspondence:

- Committee for the Office of the First Minister and deputy First Minister – NI Public Service Ombudsperson Budget: Memorandum of Understanding response;

- Scottish Parliament – Correspondence to Mr Bernard Jenkin MP in relation to Intergovernmental Relations co-operation;
- Member of the Public – further letter of complaint in relation to Land Registration rules;

Agreed: to issue a response to the correspondent explaining that the Committee does not intervene in individual cases of this nature and suggesting alternative avenues for pursuing the complaint.

- Member of the Public – further letter on dissatisfaction with Land & Property Services;

Agreed: to issue a response to the correspondent noting that the Department has advised that it will no longer be engaging with the individual in respect of this particular matter and advising that all future correspondence should be directed to the Information Commissioner's Office.

8. Committee Work Programme

Members noted the updated work programme which will be published on the Committee's website.

Agreed: that an indicative timeline for concluding the NAMA Review will be prepared for consideration at next week's 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 on Wednesday 2 December 2015 at 10:00am in Room 30, Parliament Buildings

The Chairperson adjourned the meeting at 11:40am.

Mr Daithí McKay MLA
Chairperson
Committee for Finance and Personnel
2 December 2015