



**Northern Ireland
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY
FIRST MINISTER
MINUTES OF PROCEEDINGS
WEDNESDAY 26 JUNE 2013
ROOM 30, PARLIAMENT BUILDINGS**

- Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Leslie Cree
Mr Colum Eastwood
Miss Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr George Robinson
Mr Jimmy Spratt
- Apologies: Mr Stephen Moutray
- In Attendance: Mrs Shauna Mageean (Assembly Clerk)
Mrs Cathie White (Assembly Clerk)
Mr Keith McBride (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mrs Marion Johnson (Clerical Officer)
Mr Alyn Hicks (Assistant Assembly Clerk) Item 10
only
Mr Jonathan McMillen (Assembly Legal Services) Item
10 only

The meeting began at 2.01 pm in public session.

1. Apologies

As detailed above.

2. Chairperson's Business

Dance United

The Committee considered a request from Dance United to meet with Members to discuss its 'Crossing the Divide' project.

Agreed: The Committee agreed to forward the correspondence from Dance United to the Department to ask what interaction it has had with Dance United. The Committee also agreed to write to Dance United to advise that the Committee will be in contact when it has further developed its forward work programme for the next session.

3. Draft Minutes of the meeting held on 19 June 2013

Agreed: The draft minutes of the proceedings of the 19 June 2013 were agreed by the Committee.

4. Matters Arising

House of Lords update on Maritime Spatial Planning

The Committee noted a an update from the House of Lords EU Committee advising that it is keeping the EU Proposal concerning Maritime Spatial Planning under scrutiny.

EU Funding

The Committee considered a response from the Department providing a breakdown of the drawdown of EU funding by Department. The response also advised that the drawdown for Arm's Length Bodies and Third Party cannot be disaggregated.

Agreed: The Committee agreed to write to the Department to seek clarification on the reasons why the drawdown for Arm's Length Bodies cannot be disaggregated.

European Commission's Legislative and Work Programme

The Committee noted a response from the Department in relation to its analysis of the European Commission's 2013 Legislative and Work Programme.

EU Draft Legislative Acts and Subsidiarity

The Committee noted a response from the Department in relation to queries raised by the Committee for the Environment in relation to the process of keeping committees informed regarding EU legislative proposals raising issues of subsidiarity.

EU Explanatory Memorandum on Acceptance of Public Documents

The Committee considered legal advice from the Assembly's Legal Services and responses from the Committee for Finance and Personnel and the Committee for Justice in relation to the EU proposal to promote free movement of citizens and businesses by simplifying the acceptance of public documents.

Agreed: The Committee agreed to write to the European Committees in the House of Commons and House of Lords to highlight concerns raised in relation to the potential financial implications

List of Outstanding Issues

Members noted the list of outstanding issues.

5. Correspondence

Committee for Employment and Learning

The Committee noted correspondence from the Committee for Employment and Learning to the Department in relation to the development and implementation of the strategy to reduce economic inactivity through skills, training, incentives and job creation.

Committee for Finance and Personnel

The Committee considered correspondence from the Committee for Finance and Personnel providing a copy of a briefing paper from the Department of Finance and Personnel on the future of EU funding; a mid-term evaluation of PEACE III; and development of PEACE IV and INTERREG V.

Agreed: The Committee agreed that the Clerk would liaise with the Clerk of the Committee for Finance and Personnel before writing to the Department for Finance and Personnel to request a copy of the mid-term evaluation report on PEACE III when approved.

The Committee also considered correspondence from the Committee for Finance and Personnel providing a copy of a Department of Finance and Personnel paper on the analysis of financial forecasting performance in Departments.

Agreed: The Committee agreed to write to the Department to seek comment on its financial forecasting accuracy for June 2012 – March 2013.

Committee for Education

The Committee noted correspondence from the Committee for Education to the Department in relation to the criteria for funding Nurture Units.

Subsidiarity

The Committee considered a UK Government Explanatory Memorandum in relation to an EU Proposal to establish a framework on the market access to port services and the financial transparency of ports.

Agreed: The Committee agreed to write to the Committee for Regional Development to seek its views on the proposal. The Committee also agreed to forward any response from the Committee for Regional Development to the House of Commons and House of Lords EU Committees.

Ulster Society for the Protection of the Countryside

The Committee noted correspondence from the Ulster Society for the Protection of the Countryside in relation to a White Paper on proposed enabling legislation to provide National Parks in Northern Ireland.

Big Lottery Fund

The Committee noted correspondence from the Big Lottery Fund providing an update on the funding it has provided in relation to its Reaching Out: Connecting Older People programme.

6. Programme for Government

The First Minister, deputy First Minister, junior Ministers and Departmental officials joined the meeting at 2.16 p.m.

Miss Fearon joined the meeting at 2.24 p.m.

Mr Cree left the meeting at 4.06 p.m.

The First Minister, deputy First Minister and junior Ministers provided the Committee with a strategic overview of the Programme for Government. Questions and discussion followed.

The First Minister, deputy First Minister, junior Ministers and Departmental officials left the meeting at 4.41 p.m.

7. Forward Work Programme

The Committee noted the draft forward work programme.

8. Any Other Business

None.

9. Date, Time and Location of next meeting

The next meeting will be held in Room 30, Parliament Buildings on Wednesday 3 July 2013 2.00 pm.

The meeting moved into closed session at 4.45 p.m.

Mr Spratt left the meeting at 4.45 p.m.

10. Draft Committee Report – Northern Ireland Public Services Ombudsman

The Committee considered legal advice in relation to the Department of Justice's proposals in relation to the Northern Ireland Judicial Appointments Ombudsman.

Mrs Hale left the meeting at 4.50 p.m.

The Committee considered its Report on Proposals for a Northern Ireland Public Services Ombudsman Bill.

- Agreed:* The Committee read and agreed the Executive Summary.
- Agreed:* The Committee read and agreed paragraphs 1-12: Introduction and background.
- Agreed:* The Committee read and agreed paragraphs 13-15: Merger of existing offices and Title of new office.
- Agreed:* The Committee read and agreed paragraphs 16-21: Term of appointment and Recruitment and selection.
- Agreed:* The Committee read and agreed paragraphs 22-30: Formal appointment and Assembly competence to alter appointment mechanism.
- Agreed:* The Committee read and agreed paragraphs 31-43: Removal from office and Restrictions on appointment and on leaving office.
- Agreed:* The Committee read and agreed paragraphs 44-53: Temporary vacancies in office, Salary and pension, and Transfer of staff.
- Agreed:* The Committee read and agreed paragraphs 54-58: Relationship with the Assembly and Financial accountability.
- Agreed:* The Committee read and agreed paragraphs 59-70: Remit of NIPSO, Bodies within remit, NI Assembly Commission and NI Audit Office, and Schools.
- Agreed:* The Committee read and agreed paragraphs 71-85: Institutions of Further and Higher Education and Public Procurement.
- Agreed:* The Committee read and agreed paragraphs 86-99: Public Sector Employment and Social Care – professional judgement
- Agreed:* The Committee read and agreed paragraphs 100-110: Complaints to the NIPSO, Rights of appeal or legal redress – a bar to investigation, Role of MLAs, Aggrieved person’s representative, Complaints referred by public bodies.
- Agreed:* The Committee read and agreed paragraphs 111-120: Oral and written complaints, Residency requirement.
- Agreed:* The Committee read and agreed paragraphs 121-134: Time limit and ‘signposting’ duty on public bodies and Reports on

investigations - publication in the public interest.

Agreed: The Committee read and agreed paragraphs 135-149: Enforcement, Enforcement/compensation in the County Court.

Agreed: The Committee read and agreed paragraphs 150-153: Application to the Attorney General for NI.

Agreed: The Committee read and agreed paragraphs 154-159: Special reports to the Assembly.

Agreed: The Committee read and agreed paragraphs 160-165: Further proposals, Notices prohibiting disclosure of information.

Agreed: The Committee read and agreed, subject to confirmation, paragraph 166 as amended.*

Agreed: The Committee read and agreed paragraphs 167-170: Obligations of confidentiality and secrecy.

Agreed: The Committee read and agreed paragraphs 171-177: Legal privilege.

Agreed: The Committee read and agreed paragraphs 178-180: Information sharing and cooperation.

Agreed: The Committee read and agreed paragraphs 181-182: Provision of facilities to the NIPSO.

Agreed: The Committee read and agreed paragraphs 183-186: Action to resolve complaints short of full investigation.

Agreed: The Committee read and agreed paragraphs 187-195: Own initiative investigations.

Agreed: The Committee read and agreed paragraphs 196-204: Ministers' proposals, Northern Ireland Judicial Appointments Ombudsman.

Agreed: The Committee read and agreed paragraphs 205-213: Local Government Standards.

Agreed: The Committee read and agreed paragraphs 214-215: NIPSO's relationship with the Assembly.

Agreed: The Committee read and agreed paragraphs 216-224: Equality considerations.

Agreed: The Committee read and agreed paragraphs 225-229: Financial implications.

- Agreed:* The Committee agreed that appendices 1-6 be included in the Report.
- Agreed:* The Committee agreed the Report to be printed, subject to confirmation of agreement to Paragraph 166 as amended.*
- Agreed:* The Committee agreed that an extract from the Minutes of Proceedings of today's meeting should be included in Appendix 1 of the report and that the Chairperson approve that extract for inclusion.
- Agreed:* The Committee agreed that the Report be embargoed until commencement of the debate in plenary.

The Chairperson adjourned the meeting at 5.08 pm

Mr Mike Nesbitt MLA
Chairperson,
Committee for the Office of the First Minister and deputy First Minister

**Agreement to paragraph 166 as amended confirmed on Thursday 27 June 2013*