



**Northern Ireland
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY
FIRST MINISTER
MINUTES OF PROCEEDINGS
WEDNESDAY 4 NOVEMBER 2015
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Andy Allen
Ms Megan Fearon
Mr Paul Frew
Mr Gordon Lyons
Mr Alex Maskey
Mr David McIlveen
Mr Stephen Moutray

Apologies: Mr Alex Attwood
Mr Chris Hazzard

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mr Innis Mennie (Clerical Officer)
Mr Simon Kelly (Legal Adviser - Item 1 only)
Mr Alyn Hicks (Bill Team - Item 1 only)

The meeting began in closed session at 2.14 pm.

1. NIPSO Bill

Attorney General - competence issue

Mr Simon Kelly, Legal Adviser, joined the meeting at 2.15pm.

Mr Stephen Moutray MLA joined the meeting at 2.15pm.

The Committee considered legal advice with regard to a matter of competence raised by the Attorney General.

Agreed: Members agreed to write to the Attorney General to advise that, following consideration of legal advice, the Committee was

content with regard to the competence of the provision that the Attorney General had drawn to the Committee's attention.

Mr Kelly left the meeting at 2.21pm.

Scheduling

Mr Alyn Hicks, Bill Team joined the meeting at 2.21pm.

The Committee noted possible dates for scheduling the remaining stages of the Bill.

Agreed: Members agreed to request that the Drafter review the commencement provisions in the Bill to ensure that the Commission and Assembly are in a position to move forward with the nomination and appointment as soon as possible after Royal Assent.

Assembly Commission

The Chairperson reminded Members that a number of technical amendments, making provision for powers of OFMDFM to be exercised with the concurrence of the Assembly Commission were not moved at Consideration Stage.

Agreed: Members agreed that OFMDFM rather than the Assembly Commission should exercise the power to amend Schedule 5; that OFMDFM should be able to exercise the powers to amend Schedules 3,4 and 5 by order without the concurrence of the Assembly Commission; that OFMDFM must first consult the NIPSO about any such order and any other person it considers appropriate (and in the case of an order to change Schedule 3, the listed authority in question); and that orders to amend the schedules would be required to be laid in draft and approved by the Assembly. The Committee agreed to request amendments to give effect to this policy.

Agreed: The Committee agreed to remove the power to direct the Northern Ireland Judicial Appointments Ombudsman in relation to matters which should be included in his/her report to the Assembly.

Attorney General - policy issues

The Committee noted a number of policy issues raised by the Attorney General.

Ms Megan Fearon MLA joined the meeting at 2.41pm.

Agreed: Members agreed that the Bill Team should consult further with the Drafter regarding provisions around absolute privilege; and agreed that it was satisfied that no action was required on the other issues raised.

Commissioner for Public Appointments

The Committee noted a technical issue with regard to the Commissioner for Public Appointments (NI) Order 1995, which refers to the list of bodies in the Commissioner for Complaints (NI) Order 1996 (1996 Order).

Agreed: Members agreed to request an amendment to preserve Schedule 2 to the 1996 Order for the purposes of the Commissioner for Public Appointments.

Ad Hoc Committee recommendation - Special Report

The Chairperson reminded Members that, in regard to laying special reports, the Ad Hoc Committee on the Public Services Ombudsperson Bill had recommended that the Committee for OFMDFM “satisfies itself that there are proper safeguards and procedural fairness before any such power is exercised.”

The Committee noted a paper from Assembly Research on the power of Ombudsmen in other jurisdictions to lay a special report before their relevant legislature, including any procedural safeguards associated with this process.

Agreed: Members agreed to consider the matter with a view to making a policy decision at the next meeting.

Ad Hoc Committee recommendation - Role of Audit Committee & Department of Finance and Personnel

The Chairperson reminded Members, that in response to a recommendation from the Ad Hoc Committee regarding the setting of the budget for the Public Services Ombudsperson, the Committee had agreed to explore with the Audit and Finance & Personnel Committees the option of agreeing a memorandum of understanding. Members noted correspondence from the Audit Committee to the Minister of Finance and Personnel, and a subsequent response from the Minister.

Agreed: Members agreed that the Chairperson and Deputy Chairperson should meet with the relevant Committee Chairpersons and a representative of the Assembly Commission to discuss how this matter might be progressed.

Agreed: Members agreed that the Chairperson should write to the Minister of Finance and Personnel to stress the importance of a resolution to this matter before the new Public Services Ombudsman is in post.

Commissioner for Standards

The Committee noted correspondence from the Commissioner for Standards regarding the proposal from the Committee on Standards and Privileges to amend the Bill to include the Commissioner for Standards as a listed authority under Schedule 3.

Agreed: Members agreed to suggest that the Committee on Standards and Privileges may wish to examine this matter further, rather than amend the Bill at this stage; and, if it subsequently concludes that the Commissioner should be added to Schedule 3, the First Minister and deputy First Minister could be requested to make the change by order.

Mr Hicks left the meeting at 3.09pm.

The meeting moved into public session at 3.10pm.

2. Apologies

Apologies were as recorded above.

3. Chair's Business

NIABT: EU Referendum/Brexit

The Committee noted an invitation to the NIA Business Trust event on the theme of the EU Referendum and the impact of a 'Brexit' on local trade, agriculture and investment, scheduled for Monday 16 November.

Joseph Rowntree Foundation

The Committee noted an invitation to the Joseph Rowntree Foundation conference on Creating First Job Opportunities in Northern Ireland scheduled for Wednesday 18 November in the Stormont Hotel.

European Commission

The Committee noted correspondence from the House of Lords European Union Select Committee regarding the European Commission's Work Programme for 2016.

Agreed: Members agreed to commission Assembly Research to undertake an analysis of the European Commission work programme to identify areas of potential interest for each statutory committee.

Agreed: Members agreed to forward the RaISe analysis of the European Commission work programme to statutory committees once it is available.

Agreed: The Committee agreed to request input from relevant stakeholders including the Department, Northern Ireland's MEPs, the Committee of the Regions and the European Economic and Social Committee.

Ms Martina Anderson MEP

The Committee noted an invitation to a ‘Meet your MEP’ event with Ms Martina Anderson MEP, which is to be held in the MAC, Belfast at 12 noon on Friday 13 November 2015.

The Committee noted the list of current invitations.

4. Draft Minutes

Agreed: The draft minutes of the proceedings of 21 October 2015 were agreed by the Committee.

5. Matters Arising

EU Reform Agenda

The Committee noted a written briefing from the NI Assembly EU Affairs Manager in respect of committee inquiries on EU reform at the Scottish Parliament and the National Assembly for Wales. Members also noted copy correspondence from Rt Hon David Lidington MP to the Convenor of the Scottish European and External Relations Committee, which referred to conversations underway with the Northern Ireland Government.

Ms Fearon left the meeting at 3.18pm.

The Committee also noted a response from OFMDFM to advising that EU reform and the renegotiation of the UK’s membership of the EU has not yet been brought to the Executive Committee.

Mr Alex Maskey MLA joined the meeting at 3.20pm.

Agreed: Members agreed to copy the correspondence from Rt Hon David Lidington MP to OFMDFM and request clarification on the discussions referred to, and the key interests raised in respect of Northern Ireland.

Commission for Victims and Survivors

The Committee noted a response from the Commissioner for Victims and Survivors regarding the issue of legacy inquests, which included a copy of the recent speech from the Lord Chief Justice to the Victims Forum on this issue.

List of Outstanding Correspondence

The Committee noted the list of outstanding correspondence.

6. Correspondence

Procurement Activity Report

The Committee noted the OFMDFM Procurement activity Report for October 2015.

Financial Forecasting

The Committee noted a response from OFMDFM regarding budget forecasting performance by the Department.

Parenting NI

The Committee noted further correspondence from Parenting NI regarding the Odyssey Parenting Your Teen Programme. Members noted that responses to two previous letters on this matter to the First Minister and deputy First Minister remained outstanding.

Agreed: Members agreed to forward the Parenting NI correspondence to the First Minister and deputy First Minister and ask how the Committee should deal with the issue in the absence of a Ministerial response.

OFMDFM Budget 2015/16

The Committee noted a response from OFMDFM providing an update on the current OFMDFM budgetary position for 2015/16. Following a question from the Deputy Chair regarding the reallocation of funds the Clerk agreed to consult information received in relation to the June Monitoring round and report back to the Committee.

Ebrington Barracks

The Committee noted a press release from the First Minister and deputy First Minister regarding the potential development and regeneration of Ebrington Barracks.

7. Draft Forward Work Programme

The Committee noted the draft Forward Work Programme up to December 2015.

8. Good Relations - Briefing on Refugee and Asylum Seeker Crisis

Representatives from non-governmental organisations (NGOs) joined the meeting at 3.27 pm.

Mr Neil McKittrick, Refugee Services Manager, British Red Cross NI; Mr Justine Kouame, Chairperson, NI Community of Refugees and Asylum Seekers (NICRAS); and Ms Denise Wright, Race Relations Coordinator, South Belfast Roundtable, briefed the Committee on their involvement in the response to the Refugee and Asylum Seeker Crisis and the Vulnerable Persons Re-location Scheme.

Mr Paul Frew MLA joined the meeting at 3.32pm.

Mr Moutray MLA left the meeting at 3.43pm.

A question and answer session followed.

Mr McIlveen left the meeting at 4.21pm.

Representatives from the NGOs left the meeting at 4.30pm.

Agreed: Members agreed to write to OFMDFM to seek an update on the Minority Ethnic Crisis Fund including the budget allocation for 2015/16; spend to date; and the anticipated role of the crisis fund in the Vulnerable Persons Re-Location Scheme

9. Any Other Business

There was no other business.

10. Date, Time and Location of next meeting

The next scheduled meeting of the Committee is at 2pm in Room 30 on Wednesday 11 November 2015.

The Chairperson adjourned the meeting at 4.31pm.

Committee for the Office of the First Minister and deputy First Minister