



Northern Ireland Assembly

COMMITTEE FOR SOCIAL DEVELOPMENT

MINUTES OF PROCEEDINGS

Thursday 8 January 2015
Room 29, Parliament Buildings

- Present: Mr Alex Maskey MLA (Chairperson)
Mr Mickey Brady MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Gregory Campbell MLA
Mr Maurice Devenney MLA
Mr Stewart Dickson MLA
Mr Fra McCann MLA
Mr Sammy Wilson MLA
- In Attendance: Dr Kevin Pelan (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Mr Stephen Todd (Assistant Assembly Clerk)
Mr Stewart Kennedy (Clerical Supervisor)
Mr Richard Reid (Clerical Officer)
- Apologies: Mr Michael Copeland MLA
Mrs Dolores Kelly MLA

The Chairperson declared the meeting open to the public at 10.02am.

Agreed: The Committee agreed to move into closed session to discuss issues arising in relation to the Committee Inquiry.

The meeting moved into closed session at 10.02am.

Agreed: The Committee agreed to reject the Department's application for departmental officials to attend with legal advisers when giving evidence to the Committee on the basis that a witness giving evidence voluntarily, whether under oath/affirmation or not, may refuse

to answer any question including answering questions that may expose him/her to civil, disciplinary or criminal proceedings.

The Committee also noted that it had advised the Department in a letter of the 18 December 2014 that this was a matter upon which the witnesses, if they attend voluntarily, have the option to seek their own legal advice before attending the meeting, and can answer or decline to answer questions accordingly. It was the Committee's view that the witnesses have had time to seek such legal advice and prepare accordingly for evidence sessions.

Sammy Wilson MA joined the meeting at 10.06am.

Gregory Campbell MLA joined the meeting at 10.09am.

The Committee then discussed advising Mr Sands that, should he decide not to give evidence voluntarily, that the Committee was minded to compel him to attend a subsequent meeting using powers under section 44 of the NI Act 1998.

The motion was proposed: *Should Mr Sands decide not to attend voluntarily without a legal adviser the Committee will seek to compel him to attend.*

Mr Wilson proposed an amendment as follows:

Following 'attend' insert: *'and in seeking to treat all witnesses who refuse to attend voluntarily equally and fairly, the Committee will use its powers under section 44 to compel all witnesses who refuse to attend voluntarily to give evidence relating to the ongoing Inquiry'*.

- The Committee voted on the amendment:

Ayes; 3

Noes; 5

Abstentions; 0

Non-voting; 1

AYES:

Ms Paula Bradley MLA

Mr Maurice Devenney MLA

Mr Sammy Wilson MLA

NOES:

Mr Alex Maskey MLA (Chairperson)

Mr Mickey Brady MLA (Deputy Chairperson)

Mr Jim Allister MLA

Mr Stewart Dickson MLA

Mr Fra McCann MLA

NON-VOTING:

Mr Gregory Campbell MLA

The amendment fell.

- The Committee voted on the motion as originally proposed:

Ayes; 5

Noes; 3

Abstentions; 0

Non-voting; 1

AYES:

Mr Alex Maskey MLA (Chairperson)

Mr Mickey Brady MLA (Deputy Chairperson)

Mr Jim Allister MLA

Mr Stewart Dickson MLA

Mr Fra McCann MLA

NOES

Ms Paula Bradley MLA

Mr Maurice Devenney MLA

Mr Sammy Wilson MLA

NON-VOTING

Mr Gregory Campbell MLA

The motion was carried.

The Chair advised the Committee that the Clerk would advise Mr Sands of the Committee's decisions.

Proceedings were suspended at 10.15am.

Proceedings recommenced in public session at 10.16am in Room 29 Parliament Buildings.

Present: Mr Alex Maskey MLA (Chairperson)
Mr Mickey Brady MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Gregory Campbell MLA
Mr Maurice Devenney MLA
Mr Stewart Dickson MLA

Mr Fra McCann MLA
Mr Sammy Wilson MLA

Apologies: Mr Michael Copeland MLA
Mrs Dolores Kelly MLA

1. Apologies

Apologies were as noted above.

2. Draft minutes

Agreed: The draft minutes of the meeting held on 11 December 2014 were agreed.

3. Matters Arising

3.1 The Chairperson noted that the Committee had considered, in closed session, the Department's request for witnesses to be accompanied by legal advisers and had agreed that witnesses would not be permitted to attend evidence sessions with legal advisers.

The Chairperson noted that, during the adjournment, the Clerk advised Mr Sands of the Committee's decision and that Mr Sands agreed to attend today's meeting voluntarily, without legal representation.

3.2 The Committee noted correspondence dated 6 January 2015 stating that Stephen Brimstone was unavailable to give evidence at today's meeting. The Committee noted subsequent correspondence dated 7 January 2015 stating that Stephen Brimstone would attend the Committee's meeting on 15 January 2015.

Agreed: The Committee expressed its dissatisfaction at being informed of Mr Brimstone's unavailability at such short notice and that no explanation was given for his unavailability.

3.3 *Agreed:* The Committee agreed to take legal advice on compelling the release of the fact-finding exercise into the DSD Special Adviser.

3.4 *Agreed:* The Committee agreed to seek legal advice in respect of documents in evidence that may be subject to legal privilege.

3.5 *Agreed:* The Committee agreed to meet at 9.30am on Tuesday 13 January to take evidence from the Commissioner for Older People in respect of the Pensions Bill.

Agreed: The Committee agreed to take evidence from Cruse Bereavement Care in respect of the Pension Bill at its meeting on 22 January 2015.

4. Inquiry into allegations, arising from a BBC NI Spotlight programme, aired on 3 July 2013, of impropriety or irregularity relating to NIHE managed contracts and consideration of any resulting actions – evidence session with Michael Sands, DSD

The following witness joined the meeting at 10.29am:

- Michael Sands, Deputy Director of Housing, DSD

Mr Sands read the affirmation as follows:

I, Michael Sands, do solemnly, sincerely and truly declare that the evidence I shall give shall be truthful and honest, and that I will give the Committee all such information and assistance as I can to enable it to discharge its responsibilities.

Mr Sands took questions in relation to the Committee's Inquiry.

Mr Sands left the meeting at 11.24am.

This session was recorded by Hansard.

5. Inquiry into allegations arising from a BBC NI Spotlight programme, aired on 3 July 2013, of impropriety or irregularity relating to NIHE managed contracts and consideration of any resulting actions – evidence session with Councillor Jenny Palmer

The following witness joined the meeting at 11.25am:

- Cllr Jenny Palmer, Board Member, NIHE

Cllr Palmer read the oath as follows:

I, Jenny Palmer, swear by Almighty God that the evidence I shall give shall be truthful and honest, and that I will give the Committee all such information and assistance as I can to enable it to discharge its responsibilities.

Cllr Palmer took questions in relation to the Committee's Inquiry.

Cllr Palmer also offered additional written evidence to the Committee.

Agreed: The Committee agreed that Jenny Palmer should forward these additional evidence documents to the Committee Clerk for distribution to Committee members.

Following a series of questions Cllr Palmer requested a short break.

Agreed: The Committee agreed to suspend for a few minutes.

Proceedings were suspended at 12.04pm.

Proceedings recommenced in public session at 12.07pm, in Room 29 Parliament Buildings.

Present: Mr Alex Maskey MLA (Chairperson)
Mr Mickey Brady MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Gregory Campbell MLA
Mr Maurice Devenney MLA
Mr Stewart Dickson MLA
Mr Fra McCann MLA
Mr Sammy Wilson MLA

Cllr Palmer took further questions in relation to the Committee's Inquiry.

Gregory Campbell MLA left the meeting at 1.00pm.

Cllr Palmer left the meeting at 1.03pm.

This session was recorded by Hansard.

Proceedings were suspended at 1.04pm for lunch.

Proceedings recommenced in public session at 1.27pm.

Present: Mr Alex Maskey MLA (Chairperson)
Mr Mickey Brady MLA (Deputy Chairperson)
Ms Paula Bradley MLA
Mr Maurice Devenney MLA
Mr Fra McCann MLA
Mr Sammy Wilson MLA

6. Westminster Pensions Schemes Bill – Legislative Consent Motion – Departmental Briefing

The following officials joined the meeting at 1.27pm:

- Anne McCleary, Director, Social Security, Policy and Legislation Division, DSD
- Gerry McCann, Social Security, Policy and Legislation Division, DSD
- Doreen Roy, DSD

The officials briefed the Committee on the Legislative Consent Motion to extend a number of powers to NI associated with the Westminster Pensions Schemes Bill.

Sammy Wilson MLA joined the meeting at 1.32pm.

Members expressed concern that many people may not be able to save adequately for pensions in their lifetime, but noted that those who will benefit from the legislation would have the opportunity to make informed decisions in relation to their private pensions.

Agreed: The Committee agreed that it was content with the Legislative Consent Motion.

The Chairperson read the following motion:

That the Committee for Social Development has considered the draft legislative consent motion on the extension of provisions of the Pensions Schemes Bill and recommends that it be agreed by the Assembly.

The officials left the meeting at 1.39pm.

This session was recorded by Hansard.

7. SL1 The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2014

Agreed: The Committee was content for the Rule to be made.

8. SL1 The Housing Benefit (Income) (Amendment) Regulations (Northern Ireland) 2015

Agreed: The Committee was content for the Rule to be made.

9. SL1 The Pension Protection Fund and Occupational Pensions Schemes (Levy Ceiling) Order (Northern Ireland) 2015

Agreed: The Committee was content for the Rule to be made.

10. SR 321 The Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations (Northern Ireland) 2014

The Committee had no objections to the Rule.

The Chairperson read the following motion into the record:

That the Committee for Social Development has considered Statutory Rule SR321/2014 The Public Pensions (Record Keeping and Miscellaneous Amendments) Regulations (Northern Ireland) 2014 and, subject to the Examiner of Statutory Rules' report, has no objections to the Rule.

11. Correspondence

Agreed: The Committee agreed to action correspondence as outlined on the correspondence memo.

12. Forward Work Programme

Agreed: The Committee agreed the Forward Work Programme as drafted.

13. Regeneration Bill – Departmental Briefing

The following officials joined the meeting at 1.42pm:

- Henry McArdle, Bill Team Leader, DSD
- Ian Snowden, Business Continuity Lead, DSD
- Antony McDaid, Bill Team, DSD

The officials briefed the Committee on the Regeneration Bill, which is scheduled to reach Second Stage on 20 January 2015.

The officials took questions from the Committee.

Sammy Wilson MLA left the meeting at 2.23pm.

The officials left the meeting at 2.42pm.

This session was recorded by Hansard.

14. AOB

Agreed: The Committee agreed to schedule a discussion on the Rinmore Stock Transfer as a substantive item in closed session at its meeting of Thursday 15 January 2015.

15. Date, time and place of next meeting

The next meeting of the Committee for Social Development will take place on Tuesday 13 January 2015 at 9.30am in Room 21, Parliament Buildings.

The Chairperson adjourned the meeting at 2.46pm.

Alex Maskey
Chairperson, Committee for Social Development

15 January 2015