



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

15 February 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Patrick Brown MLA

Jonathan Buckley MLA

Joanne Bunting MLA

Declan Kearney MLA

Emma Sheerin MLA

Present by Video:

None.

Apologies:

Sorcha Eastwood MLA

In Attendance:

Ms Marie Austin (Assembly Clerk)

Ms Sinead Kelly (Senior Assistant Clerk)

Ms Marion Johnson (Assistant Clerk)

Ms Suzanne Patton (Clerical Officer)

In Attendance by Video:

Ms Leigh Gibson (Senior Assistant Clerk)

The meeting commenced at 10:00 a.m. in closed session.

1. Apologies

As above.

2. Committee Induction Plan

The Committee considered a draft Induction Plan for delivery over the first two meetings of the Committee.

Agreed: The Committee agreed the Induction Plan.

3. Committee Functions and Powers under The Windsor Framework (Democratic Scrutiny) Regulations 2024

The Committee received an oral briefing from:

Mr Paul Gill Clerk Assistant, Northern Ireland Assembly

Mr Simon Kelly Legal Adviser, Assembly Legal Services

Mr Gill and Mr Kelly briefed Members on the Committee's functions and powers under The Windsor Framework (Democratic Scrutiny) Regulations 2024. Mr Kelly also outlined the role of Legal Services in assisting the Committee in carrying out its functions.

4. The Procedures and Processes of the Windsor Framework Democratic Scrutiny Committee

The Committee considered proposed procedures and processes for carrying out its functions under The Windsor Framework (Democratic Scrutiny) Regulations 2024.

Mr Kelly left the meeting at 11:12 am.

Agreed: Members agreed to move to open session at 11:12am.

5. Committee Membership

The Committee noted a paper detailing the Committee membership.

6. Declaration of Interests

The Chairperson informed Members that the relevant entry from the Members' Register of Interests for each Member of the Committee had been circulated.

The Chairperson advised members of the requirement in Standing Order 69(5) that:

‘A Member who has

(a) a financial interest in any matter; or

(b) a relevant interest in any matter,

must declare that interest before taking part in any proceedings of the Assembly relating to that matter. In particular, there is a requirement to declare any interests which might reasonably be thought by others to influence the Member's approach to the matter under consideration.’

The Chairperson advised that ‘proceedings of the Assembly’ included meetings of the Windsor Framework Democratic Scrutiny Committee and asked Members if they had any interests to declare.

No interests were declared.

7. Staff Contact Details

The Committee noted a paper detailing Committee staff contact details.

8. Arrangements for Committee Meetings

The Committee noted a paper outlining the arrangements for Committee meetings.

The Procedures and Processes of the Windsor Framework Democratic Scrutiny Committee

The Committee considered proposed procedures and processes for carrying out its functions under the Windsor Framework (Democratic Scrutiny) Regulations 2024.

Deciding whether to monitor proposed EU acts:

Agreed: That legal advice is requested (for proposed replacement EU acts only) using the template as agreed.

Agreed: That legal advisers attend the Committee meeting at which the decision on whether to monitor proposed EU act will be made, to provide advice in closed session.

Agreed: That an initial departmental assessment of impact for proposed new EU acts is requested, via the Executive Office, using the template as agreed.

Agreed: That an initial assessment of impact for proposed replacement EU acts is requested, via the Executive Office, using the template as agreed.

Agreed: That, should the department wish to draw any other matters regarding proposed EU acts to the attention of the Committee, as referenced in the agreed templates, the information should be of an evidential nature rather than a commentary.

Agreed: That departmental officials attend the Committee meeting at which the decision on whether to monitor a proposed EU act will be made, and be prepared to come forward from the public gallery to answer Members' questions or provide clarity if needed.

Agreed: That the department's initial assessments of impact are published on the Committee webpage.

Monitoring proposed EU acts:

Agreed: That the relevant department is asked, via the Executive Office, to inform the Committee if any changes have been made to an act which alters

the department's initial assessment of impact, and if so, to submit a revised assessment of impact.

Agreed: That the department's revised assessments of impact are published on the Committee webpage.

Agreed: That the Assembly's Research and Information Service provides a quarterly status update on proposed EU acts that the Committee is monitoring and informs the Committee if there are any significant changes to any act it is monitoring, in a timely manner and on an ongoing basis.

Deciding whether to hold an inquiry into a published replacement EU act, or to continue an inquiry previously begun when the act was at proposal stage:

Agreed: That legal advice is requested using the template as agreed.

Agreed: That legal advisers attend the Committee meeting at which the decision will be made, to provide the advice in closed session.

Agreed: That an initial departmental assessment of impact is requested, via the Executive Office, using the template as agreed.

Agreed: That, should the department wish to draw any other matters regarding the published EU act to the attention of the Committee, as referenced in the agreed template, the information should be of an evidential nature rather than a commentary.

Agreed: That departmental officials attend the committee meeting at which the decision will be made, and be prepared to come forward from the public gallery to answer Members' questions or provide clarity if needed.

Publication of Committee decisions:

Agreed: That the Committee's decision on whether to hold or continue an inquiry is published on the Committee webpage by the end of the next working day, including where a decision has not been taken.

Agreed: That the decision should state that:

“the Committee has decided not to / to conduct an inquiry into the replacement act pursuant to paragraph 8(1) of The Windsor Framework (Democratic Scrutiny) Regulations 2024”.

Inquiries:

Agreed: That the relevant UK Minister is asked to provide views on the EU act and respond to any other issues the Committee wishes to raise.

Agreed: That departmental officials attend a committee meeting to formally brief Members on the department's assessment of impact.

Agreed: That RaISe is asked to identify a short, focussed list of key representatives of businesses and civil society affected by the act, or who

would be affected if the act enters into force, for every published EU act notified to the Committee.

Agreed: That engagement with businesses and civil society is sought via Citizen Space as part of any inquiry, and views are sought on the relevant impact considerations.

Proposals already in the EU legislative system

Agreed: That Executive Office officials attend the Committee meeting on 7 March 2024, to provide an overview briefing on proposed EU legislation, relevant to Northern Ireland, which is currently progressing through the EU legislative system.

Agreed: That details of the proposed EU legislation should be provided to the Committee well in advance of 7 March meeting and as soon as it is available.

Review

Agreed: That the Committee's processes and procedures should be reviewed on an ongoing basis.

9. Draft Correspondence from the Windsor Framework Democratic Scrutiny Committee to the First Minister and deputy First Minister and Executive Ministers

The Committee considered a draft letter to the First Minister and deputy First Minister, and other Executive Ministers, outlining the Committee's functions and providing information on how it will carry out its business.

A number of amendments were proposed.

Agreed: Members agreed the draft letter as amended.

Agreed: That the letter should be copied to the Secretary of State for Northern Ireland and the Prime Minister for the United Kingdom, and be published on the Committee webpage.

10. Draft Correspondence from the Windsor Framework Democratic Scrutiny Committee to MLAs

The Committee considered a draft letter to all MLAs, outlining the Committee's functions and providing information on how it will carry out its business.

A number of amendments were proposed.

Agreed: Members agreed the draft letter as amended.

Agreed: That the letter should be published on the Committee webpage.

11. Committee Procedures

The Committee noted the following guidance documents:

- The Powers and Operation of Standing and ad Hoc Committees
- The Role of the Chairperson
- The Role and Functions of the Committee Office.

12. Committee Protocols

The Committee considered and agreed the following:

Agreed: The Committee agreed a protocol on conduct and courtesy at Committee meetings.

Agreed: The Committee agreed an approach to dealing with correspondence and requests for meetings.

Agreed: The Committee agreed an approach to meeting preparation and witness questioning.

Agreed: The Committee noted that an account had been set up on X/Twitter and agreed that it would be used to promote the work of the Committee and provide general information, for example, on meeting times and agendas.

13. Correspondence

There was no correspondence for consideration.

14. Any Other Business

No other business was raised.

15. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 22 February 2024 at 10:00 a.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 11:38am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee