



Northern Ireland  
Assembly

# Public Accounts Committee

## Minutes of Proceedings

Thursday, 13 May 2021

**Meeting Location:** Room 30, Parliament Buildings, Belfast

**Present:** Mr William Humphrey MBE MLA (Chairperson)  
Mr Roy Beggs MLA (Deputy Chairperson)  
Mr Harry Harvey MLA  
David Hilditch MLA

**Present by Video or Teleconference:**

Mr Cathal Boylan MLA  
Ms Órlaithí Flynn MLA  
Mr Andrew Muir MLA  
Mr Maolíosa McHugh MLA  
Mr Matthew O'Toole MLA

**Apologies:** None

**In Attendance:** Ms Lucia Wilson (Assembly Clerk)  
Ms Gillian Barker (Assistant Assembly Clerk)

**In Attendance by Video or Teleconference:**

Ms Karen Barry (Clerical Supervisor)



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The meeting commenced in Closed Session at 2.04

The Committee considered correspondence dated 6 May 2021 from Mr Russell Smyth, Partner KPMG regarding the evidence session of 22 April 2021 on Generating Electricity from Renewable Energy and the availability of Professor Hughes' submission 'Small Wind Generation in Northern Ireland' prior to their evidence session.

**Agreed:** The Committee agreed to write to Mr Smyth to clearly outline privilege: *'that Under Section 50 of the Northern Ireland Act 1998 for the purposes of the law of defamation, absolute privilege applies to statements made to or in the report of a committee of the Assembly. This privilege covers all evidence given by a witness to a committee whether in oral or in written form. It means that no action may lie in defamation against a witness in respect of such statements.'*

**Agreed:** The Committee noted the additional information in Mr Smyth's correspondence regarding the inquiry and agreed to invite Mr Smyth to forward any further relevant information regarding the inquiry.

**Agreed:** The Committee agreed to hear further evidence from KPMG, if felt relevant.

The meeting went into Open Session at 2.08 pm

### 1. Apologies

None

### 2. Draft Minutes of 6 May 2021

**Agreed:** The draft minutes of the meeting of 6 May 2021 were signed and agreed to be published.



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### 3. Declaration of Interest

None

### 4. Matters Arising

None

### 5. Correspondence

The following Officials joined the meeting:

Mr Kieran Donnelly CB Comptroller & Auditor General (C&AG) for Northern Ireland Assembly (NIAO);  
Mr Neil Gray, Director, NIAO; and  
Mr Kyle Bingham Assembly Support Officer, NIAO joined the meeting remotely.

#### **Sue Gray, AO DoF**

The Committee noted correspondence dated 6 May 2021 from Sue Gray, 6 May 2021 regarding recruitment to key commercial and procurement roles. The recruitment exercise is to fill two key Grade 3 roles in the Department of Finance i.e. 1. Chief Executive, Construction and Procurement Delivery; and 2. Commercial Director. The Committee welcomed Ms Gray's actions and noted these are in line with recommendations coming out of the forthcoming report being published next week, 'Report on Capacity and Capability in NICS'.

**Agreed:** The Committee noted Ms Gray will keep the Committee updated on appointments.



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### **Russell Smyth, Partner KPMG**

The Committee noted correspondence dated 6 May 2021 regarding evidence session of 22 April 2021, Generating Electricity Renewable Energy and the availability of Professor Hughes submission, 'Small Wind Generation in Northern Ireland' prior to their evidence session.

**Agreed:** The Committee agreed to respond to KPMG's letter and offered to hear further evidence, if relevant, either in written or oral evidence.

### **Memo from Audit Committee – Report on Estimates**

The Committee noted a Memo from the Audit Committee date 11 May 2021, regarding the 'Report on Estimates of the Northern Ireland Audit Office and the Northern Ireland Public Services Ombudsman 2021 – 22' NIA 95/17-22.

**Agreed:** The Committee noted the Audit Committee will forward the estimates to the Department of Finance for inclusion within the Main Estimates 2021-22.

### **Localised Restrictions Support Scheme – Overpayments**

The Committee noted correspondence from Ms Sue Gray dated 13 May 2021 regarding Localised Restrictions Support Scheme – Overpayments. This was a follow up from Ms Gray's correspondence of 13 April 2021 including a table with details of current overpayments, and at **Annex A** a breakdown of 51 businesses who were not eligible.

The Committee noted that the total value of all payments issued in error, still to be recovered, is £5,220,568. This is 1.7% of the overall value of all payments issued through the LRSS to date (£306,505,730).



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**Agreed:** The Committee noted the correspondence and that Ms Gray will continue to keep the Committee updated.

*Mr Maoliosa McHugh MLA joined the meeting at 2.12 pm*

*The meeting remained in Open Session at 2.13 pm*

## **6. Ministerial Directions**

The following Officials remained in the meeting:

Mr Kieran Donnelly CB C&AG NIAO;  
Mr Neil Gray, Director, NIAO; and  
Mr Kyle Bingham Assembly Support Officer, NIAO remotely

The Committee noted there were no Ministerial Directions to consider this week. However, the C&AG informed the Committee there is a sizable number of Ministerial Directions with him from across Departments, and that these will be forwarded to the Committee in the forthcoming weeks.

The Committee noted, on 13 May 2021, that the Department of Finance published a list of Ministerial Directions from 2007 to date; a copy of which was forwarded to Committee members. The list reflects those Ministerial Directions, which have been made by all Departments from 2007 to date; have been notified to the Comptroller and Auditor General; and discussed by the Public Accounts Committee.

**Agreed:** The Committee welcomed the list of Ministerial Directions from 2007 to date, and that these have now been published on the Department's website. The Committee noted this will give some clarity to public spend.

The meeting remained in Open Session at 2.16 pm



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## 7. Inquiry into Driver and Vehicle Agency 2019 - 2020 – Final Consideration of draft report

The following Officials remained in the meeting:

Mr Kieran Donnelly CB C&AG NIAO;  
Mr Neil Gray, Director NIAO;  
Ms Colette Kane, Director, NIAO remotely;  
Ms Suzanne Murphy, Senior Auditor remotely; and  
Mr Kyle Bingham Assembly Support Officer, NIAO remotely

The Committee agreed amendments regarding the first consideration of the draft report 'Inquiry into Driver and Vehicle Agency 2019 – 2020', now incorporated into the draft report.

The Committee considered amendments to the following paragraphs brought back to the Committee for agreement:

Paragraph 10 was Read and Agreed  
Paragraph 23 was Read and Agreed  
Paragraph 27 was Read and Agreed  
Paragraph 31 was Read and Agreed  
Paragraph 37 was Read and Agreed  
Paragraph 39 was Read and Agreed

The Committee noted the report is to be treated as CONFIDENTIAL until published.

**Agreed:** The Committee agreed amendments for the final Report, and that this concluded the final consideration stage of the report 'Inquiry into Driver and Vehicle Agency 2019 - 2020'.

**Agreed:** The Committee agreed the Report is Ordered to Print.

**Agreed:** The Committee propose to publish the report on 3 June 2021 and noted a draft press release will be brought to the Committee prior to it being published.



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*The Committee remained in Closed session at 2.24 pm*

## **8. Inquiry into Speeding up Justice: Briefing and Preparation**

Mr Kieran Donnelly CB C&AG NIAO;  
Mr Neil Gray, Director, NIAO; and  
Mr Kyle Bingham Assembly Support Officer, NIAO remotely

The Committee noted the following papers for the inquiry:

- NIAO report 'Speeding Up Justice: avoidable delay in the criminal justice system' dated March 2018;
- NIAO restricted Briefing Paper;
- NIAO restricted paper on Potential Questions;
- DoJ and DPP Witness Biographies;
- Correspondence dated 6 May 2021 from Simon Byrne, Chief Constable, PSNI regarding confirmation of attendance and biography;
- Correspondence dated 23 March from Peter May, AO, DoJ including an update on NIAO recommendations;

The Committee discussed the forthcoming evidence session on 'Speeding Up Justice' scheduled for 20 May 2021 and the key areas of questioning.

The Committee noted the following witnesses would be attending:

- Peter May, Perm Secretary & Accounting Officer, DoJ;
- Simon Byrne, Chief Constable of the PSNI; and
- Stephen Herron, Director of Public Prosecutions.

The Committee noted the following witnesses will be attending remotely:

- Peter Luney, Chief Operating Officer, NI Courts and Tribunal Service;
- Glyn Capper, Head of Justice Performance, DoJ;



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- Mel Jones, PSNI (Criminal Justice Matters);
- Ms. Francesca Keaney, Head of Strategic Improvement Team, Public Prosecution Service; and
- Mrs JoAnne Quinn, Head of Finance, Public Prosecution Service.

*Mr Andrew Muir MLA left the meeting at 2.30 pm*

*Mr David Hilditch MLA left the meeting at 2.37 pm*

*Mr David Hilditch MLA re-joined the meeting at 2.50 pm*

*The Committee remained in Closed session at 2.50 pm*

### **9. Inquiry into Capacity and Capability in the NICS: Consideration of draft press release.**

The Committee considered the draft press release regarding their forthcoming fourth report 'Inquiry into Capacity and Capability in the NICS', to be published on 20 May 2021.

**Agreed:** The press release was agreed and would be published with the report.

### **10. Draft Forward Work Programme**

The following officials remained in the meeting:

Mr Kieran Donnelly, CB C&AG;  
Ms Colette Kane, Director, and  
Mr Kyle Bingham, Assembly Support Officer NIAO.

The Committee agreed the draft Forward Work Programme covering the period 15 April to the Summer Recess and noted their eighth inquiry will be into Sports NI Sustainability Funding and COVID Expenditure.





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The Clerk informed the Committee she is exploring dates to schedule the evidence session for 'Sports NI Sustainability Funding and COVID Expenditure' for the end of June or beginning of July.

The Committee noted they will be considering the draft report into 'Generating Energy from Renewable Energy', on 3 June 2021.

**Agreed:** The Committee agreed the draft Forward Work Programme and to publish on the website.

*The meeting remained in Closed Session at 3.00 pm*

#### **11. Any Other Business**

None

#### **12. Date, Time and Place of Next Meeting**

The next meeting of the Public Accounts Committee will take place on Thursday 20 May 2021, at 2.00 pm in The Senate, Parliament Buildings.

*The meeting adjourned at 3.00 pm.*

**Mr William Humphrey MBE MLA**  
**Chairperson**  
**Public Accounts Committee**  
**13 May 2021**