



**Northern Ireland
Assembly**

ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE (AERC)

MINUTES OF PROCEEDINGS

**WEDNESDAY 24 JUNE 2020, ROOM 21, PARLIAMENT BUILDINGS,
BALLYMISCAW, STORMONT**

Present: Mervyn Storey MLA, Chairperson
Maolíosa McHugh MLA, Deputy Chairperson
Jonathan Buckley MLA (via teleconference)
Alex Easton MLA (via teleconference)
Colin McGrath MLA
Jim Allister MLA
Kellie Armstrong MLA (via teleconference)
Gerry Kelly MLA

Apologies: Robbie Butler MLA

In Attendance: Keith McBride, Senior Assistant Clerk
Trevor Allen, Senior Assistant Clerk

The meeting commenced at 9.35am in open session.

1. Apologies

There were no apologies

2. Declaration of Interests

Mr Allister declared an interest as the sponsor of the Private Members' Bill entitled "Functioning of Government (Miscellaneous Provisions) Bill" which would be discussed under agenda item 7.

3. Draft Minutes

The minutes of the meeting on 26 February 2020 were agreed under the provisions of Standing Order 115(9) on 6 May 2020.

4. Matters Arising

Members noted the decision made under Standing Order 115(9), as outlined at agenda item two, and that the other matters arising from the minutes of the last meeting would be covered elsewhere on the agenda.

The meeting moved into closed session at 9:37am

5. AERC Powers to initiate work and consider certain matters

Members received a briefing from Assembly Legal Services on AERC powers to initiate work and consider certain matters.

Members noted the advice received and, having regard to tabled correspondence from the Assembly Commission dated 23 June 2020, also discussed potential joint work by the Committee and the Assembly Commission on the *New Decade New Approach* commitment regarding a review of the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition as set out in the Fresh Start Agreement.

Agreed: The Committee agreed in principle to work jointly with the Assembly Commission on a review of the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition, subject to further discussions on how to progress the matter.

The meeting moved into open session at 10:05am

6. Potential topics for Committee work programme

Members noted the comparative research paper on Institutional Review Committees, which Assembly Research and Information Service will provide an oral briefing on at a later date.

Members received an update on correspondence issued by the Committee Chairperson following the meeting on 26 February 2020.

Agreed: The Committee agreed that:

- (a) a reminder letter will be issued to all the Party leaders and independent Members of the Assembly seeking their views on possible work streams for the Committee. It was also agreed that the Committee members will be copied into the letters issued to their respective parties; and
- (b) a follow up letter will be issued to the First and Deputy First Minister seeking a meeting with the Committee Chairperson and Deputy Chairperson to discuss any suggested topics that they may have for the Committee's consideration.

7. Committee response to the Functioning of Government (Miscellaneous Provisions) Bill

The Committee noted the paper previously issued by the Committee Secretariat which directed members to the available evidence in relation to the clauses of the Bill that may relate to the Committee's remit. In that regard, members had been asked: to indicate whether they considered it necessary to hold additional evidence sessions on the Bill and, if so, which stakeholders should be invited to provide oral evidence; and to provide any initial comments or views on the Bill. Mr Allister had provided written submissions in response which the Committee noted.

Agreed: The Committee agreed that it did not require any additional evidence on the Bill.

Mr McGrath declared an interest as the Chairperson of the Committee for The Executive Office which had also received evidence on the Functioning of Government (Miscellaneous Provisions) Bill

Mr Allister spoke briefly to the Bill and made the following points on clauses 3, 5, 7 and 12 specifically:

- Clause 3 – the point of this clause is to repeal the Civil Service Commissioners (Amendment) Order 2016 and ensure that any future exercise of prerogative powers to change the Civil Service Commissioners (Northern Ireland) Order 1999 should come to the Assembly.
- Clause 5 – *New Decade New Approach* aims to appoint a three-member panel to investigate alleged breaches of the Ministerial Code; however, in terms of the Bill, the procedures, infrastructure and mechanisms to investigate already exist in the form of the Assembly Commissioner for Standards. Therefore, it would be a straightforward and simple step to extend the remit of the Commissioner to include complaints against ministers.
- Clause 7 – is currently being redrafted to focus primarily on lobbying and will borrow from the legislation already established in Great Britain. This would require any minister or special adviser lobbied about an issue to report it and ensure it is recorded.
- Clause 12 – would require the First and deputy First Minister to report to the Assembly every two years outlining any issues or proposals in regards to addressing any flaws or inadequacies identified in the functioning of government.

The Committee noted that responsibility for detailed scrutiny of the Bill was best placed with the Finance Committee; discussed the relevant clauses; and noted Mr Allister's comments. Members did not raise any further issues in consideration of the relevant clauses of the Bill.

Agreed: The Committee agreed to forward the information arising from its deliberations on the Bill to the Committee for Finance, including the evidence considered, the aforementioned points made by Mr Allister and a link to the audio recording of the proceedings of today's meeting.

8. Correspondence

- 8.1 Members noted correspondence from The Executive Office Committee on *New Decade New Approach*
- 8.2 Members noted correspondence from The Speaker to all Committee Chairpersons in relation to COVID-19 and Assembly business.
- 8.3 Members considered the approach to any necessary Committee input on Freedom of Information (FoI) matters during recess.

Agreed: The Committee agreed to delegate the authority to the Chairperson and Deputy Chairperson during periods of recess to submit views on the releasing or withholding of information in any non-routine / contentious FoI requests received.

The meeting moved into closed session at 10:32am

9. Any Other Business

9.1 Proposed changes to Assembly sitting days

Members discussed the correspondence received from the Chairpersons' Liaison Group regarding potential changes to Assembly sitting days. Members also noted that the Committee meeting day will change if the proposed change to Assembly sitting days is implemented.

Members expressed a range of different views on the proposal, including the need for consideration of the impact of any such changes on Members' staff and Committee Office staff.

Agreed: The Clerk will inform the Chairpersons' Liaison Group of the mixed views of the Committee members and on the points raised in regards to any implications for staff.

9.2 Proposed change to Committee meeting time

Members noted that there may be a need to move the starting time of future meetings to 12 Noon given some broadcasting limitations.

10. Date, Time and Place of Next Meeting

The date, time and place of the next meeting will be agreed and communicated to Committee members in due course.

The Chairperson adjourned the meeting at 11.50am

**Mervyn Storey MLA
Chairperson
Assembly and Executive Review Committee**