



Northern Ireland
Assembly

Public Accounts Committee

Minutes of Proceedings

Thursday, 24 June 2021

Meeting Location: The Senate, Parliament Buildings, Belfast

Present: Mr William Humphrey MBE MLA (Chairperson)
Mr Roy Beggs MLA (Deputy Chairperson)
Mr Andrew Muir MLA

Present by Video or Teleconference:

Mr Cathal Boylan MLA
Ms Órlaithí Flynn MLA
Mr Maoliosa McHugh MLA
Mr Matthew O'Toole MLA

Apologies: Mr David Hilditch MLA

In Attendance: Ms Lucia Wilson (Assembly Clerk)
Ms Gillian Barker (Assistant Assembly Clerk)
Ms Karen Barry (Clerical Supervisor)

The meeting commenced in Closed Session at 2.05 pm.

The Committee noted the change in PAC Membership, that Mr Harry Harvey MLA has been replaced by Mr William Irwin MLA.



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The Chairperson read out a message from Mr Harry Harvey MLA regarding his time with PAC acknowledging the support the Committee gave him while on the Committee. Mr Harvey wished the Committee all the best with their future inquiries.

Agreed: The Committee agreed to write to Mr Harry Harvey MLA to thank him for his contribution to PAC.

The Committee went into Open Session at 2.08 pm

1. Apologies

Mr David Hilditch MLA

2. Draft Minutes of 24 June 2021

Agreed: The draft minutes of the meeting of 24 June 2021 were signed and agreed to be published.

3. Declaration of Interest

None

4. Matters Arising

The Committee noted the recent passing of Mr Gordon Dunne, MLA who had been a member of PAC from May 2016 to January 2017 and an MLA for 10 years. The Committee noted his contribution to the work of the Assembly and that he was a respected member of the Assembly, who will be sorely missed.



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5. Correspondence

The following Officials joined the meeting:

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

Speeding Up the Justice System – further information from the Department.

The Committee noted correspondence dated 10 June 2021 from Peter May, AO, DoJ which is a follow up response on the Speeding up Justice evidence session. The Committee noted this is quite a substantive response addressing the issues raised, including reasons, outside of COVID, why the number of cases going to Crown Court has risen by 50%; a copy and details of the 'matrix' used by the Criminal Justice Board to help speed up justice and a copy of the full associated performance dashboard.

The Committee noted the response also included details of the number of court hearings per year; the cost of running the courts per year; the cost of holding a Crown Court hearing per hour; and the details of the number of hours lost per year due to adjournments.

Agreed: The Committee noted the correspondence and agreed to forward these details to NIAO.



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Speeding Up the Justice System – Glyn Capper, Justice Performance Team

The Committee noted correspondence dated 21 June 2021 from Glyn Capper, Justice Performance Team, DoJ, regarding follow up information from the evidence session on ‘Speeding up the Justice System’. Included was an Annex A, restricted information, outlining the ‘Average Time Taken to Complete Criminal Cases’, for the 12 months to 31 March 2021, plus an example of the more detailed reporting used to help analyse performance.

Agreed: The Committee noted the correspondence and agreed these details be forwarded to NIAO.

Lord Chief Justice – Crown Court Delays

The Committee noted correspondence dated 15 June 2021 from the Lord Chief Justice regarding his response on Crown Court delays. The response included a letter sent to the Chair of the Justice committee, dated 30 March 2021 on the matter of delays and committal reform.

Agreed: The Committee noted the correspondence and agreed forward the correspondence to NIAO.

Reform of Property Management Programme

The Committee noted correspondence dated 10 June 2021 from the Committee for Finance to DALO regarding the ‘Reform of Property Management Programme’, in relation to hard charging, rationalising of the estate assets and possible reduction in the portfolio.

Agreed: The Committee noted the correspondence and agreed to keep this matter under review.



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The Irish Central Border Area Network [ICBAN]

The Committee noted correspondence, dated 17 June 2021, from Mr Shane Campbell, Chief Executive of ICBAN regarding NIAO's recent report on 'Broadband Investment in NI'. ICBAN welcome NIAO's report and the need for reliable, affordable and accessible broadband on both sides of the North / South Border.

Agreed: The Committee noted Mr Campbell's email.

Impact Review of Special Educational Needs

The Committee noted correspondence, dated 18 June 2021, from Paul Girvan MP, in respect of his constituent, who has contacted him on the PAC report on the 'Impact Review of Special Educational Needs'. The constituent is requesting an extensive investigation into the Education Authority after the findings of PAC's report.

Agreed: The Committee agreed, subject to permissions under GDPR, the letter would be forwarded to NIAO for further investigation.

The Committee remained in Open Session at 2.17 pm

6. Ministerial Directions

The following NIAO Officials joined the meeting:

Mr Kieran Donnelly CB C&AG;
Mr Tomas Wilkinson, Director.

The following NIAO Officials joined the meeting remotely:

Mr Kyle Bingham, Assembly Support Officer;
Mr Patrick Barr, Director;
Mr Neil Gray, Director;
Mr Roger McCance, Audit Manager



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MINISTERIAL DIRECTION – Parkanaur College Funding

The Committee noted Ms Tracy Meharg, AO DfC wrote to Mr Kieran Donnelly, CB C&AG on 27 April 2021, to advise that she had sought a Ministerial Direction from the DfC Minister, Ms Deirdre Hargey MLA, in February 2021 to fund Parkanaur College for the year 2021-22 **for £200k.**

Agreed: The Committee noted the Ministerial Directions and that Mr Donnelly CB C&AG will keep this matter under review as the audit of the 2021-22 financial statements progresses.

MINISTERIAL DIRECTIONS: Two Covid Restrictions Business Support Schemes, re-opening and extension; and an extension of the Large Tourism and Hospitality Business Support Scheme.

The Committee noted Mr Mike Brennan, AO DfE, wrote to Mr Kieran Donnelly CB C&AG on 13 May 2021, to advise that as a result of ongoing changes/extensions to the Health Protection Regulations, some schemes required subsequent Ministerial Directions or changes to the existing Directions.

The three Ministerial Directions were:

- The re-opening of Covid Restrictions Business Support Scheme on 26 December 2020;
- The extension of Covid Restrictions Business Support Scheme to cover the period 15 April to 23 May; and
- The extension of Large Tourism and Hospitality Business Support Scheme to cover the period 15 April to 23 May.

The Committee noted Mr Donnelly, CB C&AG reviewed the process used to seek and subsequently issue these Ministerial Directions and is content that it had been followed correctly, including approval by the NI Executive. The Committee noted the relevant restricted documentation and correspondence, provided to Mr Donnelly, CB C&AG by the Department.



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The Committee noted the cost of the phased extension of the Large Tourism and Hospitality Business Support Scheme to 23 May was **£14.1m**; and the cost of the phased extension of COVID Restricted Business Support Scheme to 23 May was estimated as **£18m**.

Agreed: The Committee noted these Ministerial Directions and that Mr Donnelly CB C&AG would keep this matter under review as the audit of the 2021-22 financial statements progresses.

MINISTERIAL DIRECTIONS: (a) To extend eligibility of HBS Staff Recognition Payment to Longer-Term Agency Workers; and (b) HSC Staff Recognition Payment: Application of Gross Award – DOF Approval.

The Committee note Mr Richard Pengelly, AO DoH wrote to Mr Kieran Donnelly CB C&AG on 22 June 2021 outlining two Ministerial Directions from the DoH Minister, Robin Swann MLA, in relation to the HSC staff recognition scheme. These directions ask the Department to ensure that the recognition payments are modified to ensure they are worth £500 after tax and national insurance; and to extend eligibility to include longer-term agency workers.

The Committee noted the new Direction seeks to modify this scheme, to ensure that the payment made to HSC staff is worth £500 net of deductions, namely income tax and National Insurance.

The Committee noted the Department estimates that the total cost of this Direction will **be £3.75 million** and the relevant documents provided to Mr Donnelly CB C&AG.

Agreed: The Committee noted the Ministerial Directions and that Mr Donnelly CB C&AG will keep this matter under review as the audit of the 2021-22 financial statements progresses.

The meeting remained in Open Session at 2.25 pm



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7. Memorandum of Reply – Major Capital Projects

The following NIAO Officials joined the meeting:

Mr Kieran Donnelly CB C&AG;
Mr Tomas Wilkinson, Director.

The following NIAO Officials joined the meeting remotely:

Mr Kyle Bingham, Assembly Support Officer;
Mr Patrick Barr, Director;
Mr Neil Gray, Director;
Mr Roger McCance, Audit Manager

Colum Boyle, interim AO DoF

The Committee noted correspondence dated 21 June 2021 from Colum Boyle, Interim AO, DoF confirming the Memorandum of Reply for the Major Capital Projects Report has been completed and approved by the Executive.

The Memorandum of Reply – Major Capital Projects Report

The Committee noted that the Memorandum of Reply is the Executive's formal response to PAC. The Committee noted the Major Capital Projects Report was published on 22 October 2020 and that the MOR was only presented to the Assembly on 18 June 2021 by the Minister of Finance.

Agreed: the Committee agreed it is disappointing that it had taken so long for the MOR to be finally be presented to the Assembly on 18 June 2021.

The Committee noted that out of the 15 recommendations, 9 have been accepted completely. The four recommendations not completely accepted are recommendations 1, 4, 6 & 13 which have either been noted, accepted in principle or partially accepted.



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Recommendation 1 'The Committee strongly recommends that the role of the Northern Ireland HOCS is revised to mirror the role in Scotland and Wales'.

The Committee noted Recommendation 1 has been NOTED only.

Recommendation 4 'The Committee recommends that membership of the Northern Ireland Civil Service Board is revised so that top quality non-executives (with a commercial background) sit alongside NICS Permanent Secretaries. Further it recommends that progress on major capital projects features more prominently on the agenda of the NICS Board'.

The Committee noted Recommendation 4 was accepted IN PRINCIPLE.

Recommendation 6 'The Committee recommends that serious consideration is given to appointing a single oversight body or creating an independent advisory body with responsibility for central monitoring of major capital projects'.

The Committee noted Recommendation 6 has been NOTED only.

Recommendation 13 'The Committee recommends that the Northern Ireland Civil Service works with the Judiciary to consider if the balance needs to be reviewed between having a higher bar for taking Judicial Reviews while at the same time not discouraging genuine concerns from being raised. This should include an examination of the cost of lodging a judicial review in Northern Ireland. The Committee consider this could help to reduce the risk that 'vexatious' challenges are made'.

The Committee noted Recommendation 13 has been PARTIALLY accepted.

The Committee noted the Department's reliance on noting two of the recommendations, one in principle and one partially accepted and are disappointed the Department has not taken a more proactive approach.

Agreed: The Committee agreed to request clarification from the Department including on what is meant by 'noting' the recommendation and by accepting the recommendation 'in principle'.



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Agreed: The Committee agreed to request an update on the implementation of the recommendations in 6 months' time.

Agreed: The Committee agreed these matters should be raised with the new HOCS, Ms Jayne Brady, once a meeting has been arranged.

The Committee went into Closed Session at 2.41 pm

8. Generating Electricity from Renewable Energy – Consideration of the Report

The following NIAO Officials joined the meeting:

Mr Kieran Donnelly CB C&AG;
Mr Tomas Wilkinson, Director.

The following NIAO Officials joined the meeting remotely:

Mr Kyle Bingham, Assembly Support Officer;
Mr Patrick Barr, Director;
Mr Neil Gray, Director;
Mr Roger McCance, Audit Manager

The Committee noted the draft report is classified as RESTRICTED and therefore for Members use only.

The Committee considered its draft report, Generating Electricity from Renewable Energy and agreed the title of the report is '**Generating Electricity from Renewable Energy**'.

The Committee noted the section on Membership and Powers and the List of Abbreviations.



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Agreed: The Committee agreed to amend the membership that Mr Harry Harvey MLA has been replaced by Mr William Irwin MLA from 21 June 2021.

The Committee made the following decisions regarding each section and paragraphs within the report, that is – **Agreed or Agreed as amended.**

Executive Summary: Paragraphs 1 – 18

Paragraph 1: Read and Agreed
Paragraph 2: Read and Agreed
Paragraph 3: Read and Agreed as amended
Paragraph 4: Read and Agreed
Paragraph 5: Read and Agreed
Paragraph 6: Read and Agreed
Paragraph 7: Read and Agreed
Paragraph 8: Read and Agreed
Paragraph 9: Read and Agreed
Paragraph 10: Read and Agreed
Paragraph 11: Read and Agreed
Paragraph 12: Read and Agreed as amended
Paragraph 13: Read and Agreed as amended
Paragraph 14: Read and Agreed
Paragraph 15: Read and Agreed
Paragraph 16: Read and Agreed as amended
Paragraph 17: Read and Agreed
Paragraph 18: Read and Agreed as amended

Recommendations 1 - 9: Paragraphs 19 – 26

Recommendation 1	Paragraph 19: Read and Agreed
Recommendation 2	Paragraph 20: Read and Agreed
Recommendation 3	Paragraph 21: Read and Agreed
Recommendation 4	Paragraph 22: Read and Agreed.
Recommendation 5	Paragraph 23: Read and Agreed
Recommendation 6	Paragraph 24: Read and Agreed



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Recommendation 7 Paragraph 25: Read and Agreed
Recommendation 8 Paragraph 26: Read and Agreed

Amendments to the paragraphs 26 - 71 are noted below under each section title.

Section 'Introduction': Paragraph 27

Paragraph 27: Read and Agreed as amended

Section 'Background': Paragraphs 28 – 35

Paragraph 28: Read and Agreed
Paragraph 29: Read and Agreed
Paragraph 30: Read and Agreed
Paragraph 31: Read and Agreed
Paragraph 32: Read and Agreed
Paragraph 33: Read and Agreed
Paragraph 34: Read and Agreed
Paragraph 35: Read and Agreed

Agreed: Section Title 'A failure to formally engage with other public bodies and operate in a joined up way, meant that the Department did not adequately identify or manage a number of risks which subsequently materialised.'

Paragraphs 36 – 49.

Paragraph 36: Read and Agreed
Paragraph 37: Read and Agreed
Paragraph 38: Read and Agreed
Paragraph 39: Read and Agreed
Paragraph 40: Read and Agreed as amended
Paragraph 41: Read and Agreed
Paragraph 42: Read and Agreed
Paragraph 43: Read and Agreed
Paragraph 44: Read and Agreed
Paragraph 45: Read and Agreed



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Paragraph 46: Read and Agreed

Paragraph 47: Read and Agreed

Paragraph 48: Read and Agreed

Paragraph 49: Read and Agreed

Agreed: Section Title ‘The Department lacked the necessary skillset and experience to design and manage the NIRO scheme effectively.’

Paragraphs 50 – 54.

Paragraph 50: Read and Agreed.

Paragraph 51: Read and Agreed as amended

Paragraph 52: Read and Agreed

Paragraph 53: Read and Agreed as amended

Paragraph 54: Read and Agreed

Agreed: Section Title ‘Since 2014 the Department has not monitored the average rates of return achieved by investors across each of the technologies supported by the NIRO scheme.’

Paragraphs 55 – 62.

Paragraph 55: Read and Agreed

Paragraph 56: Read and Agreed

Paragraph 57: Read and Agreed

Paragraph 58: Read and Agreed as amended

Paragraph 59: Read and Agreed as amended

Paragraph 60: Read and Agreed

Paragraph 61: Read and Agreed

Paragraph 62: Read and Agreed

Agreed: Section Title ‘The cost of supporting small scale generation is proportionally much higher than larger scale generation and provides less value for money to UK consumers.’

Paragraphs 63 - 64.

Paragraph 63: Read and Agreed as amended

Paragraph 64: Read and Agreed



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Agreed: Section Title ‘The large step change in ROC support for small wind turbines above 250kw appears to have encouraged de-rated turbines and there is no evidence that these provide consumers with better value for money’

Paragraphs 65 – 69.

Paragraph 65: Read and Agreed

Paragraph 66: Read and Agreed

Paragraph 67: Read and Agreed

Paragraph 68: Read and Agreed as amended

Paragraph 69: Read and Agreed

Agreed as amended: Section Title ‘The loan by Invest NI *to the Donegal AD Plant*, which has now been written off, needs to be examined in more detail.’

Paragraphs 70 – 71.

Paragraph 70: Read and Agreed as amended

Paragraph 71: Read and Agreed

Agreed: The Committee noted this concluded the first consideration of the report.

Agreed: The Committee agreed that the appendices of the report would include:

- Extract from the minutes
- Hansard
- Correspondence.

Agreed: The Committee agreed to schedule a final consideration of the report at next weeks’ meeting, 1 July 2021; and it was proposed to launch the report on 8 July 2021.

Agreed: The Committee noted a draft press release will be prepared by the Clerk.

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The Committee remained in Closed Session at 3.25 pm



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9. NIAO Reports

The following NIAO Officials joined the meeting:

Mr Kieran Donnelly CB C&AG;
Mr Tomas Wilkinson, Director.

The following NIAO Officials joined the meeting remotely:

Mr Kyle Bingham, Assembly Support Officer;
Mr Patrick Barr, Director;
Mr Neil Gray, Director;
Mr Roger McCance, Audit Manager.

The Committee noted list of current and forthcoming NIAO Reports to be considered for the Autumn / Winter draft Forward Work Programme.

Agreed: The Committee agreed the following reports for the Autumn / Winter draft Forward Work Programme.

- Addiction Services in Northern Ireland;
- Closing the Gap – social deprivation and links to educational attainment;
- Strategic Review of the budget process;
- Broadband Investment in Northern Ireland; and
- Governance Issues in Sport Northern Ireland.

Agreed: The Committee agreed the first inquiry in the Autumn would be 'Addiction Services in Northern Ireland; and second would be 'Closing the Gap – social deprivation and links to educational attainment'.

Agreed: The Committee agreed to receive a briefing on 'Overview of the Northern Ireland Executive's' response to the COVID-19 pandemic'.

Agreed: The Committee noted the forth coming NIAO Reports and agreed to release the remaining current NIAO Reports on the list namely:

- Reducing Costs in the PSNI;
- Workforce planning for nurses and midwives;



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- Managing Children who offend; and
- The management and delivery of the Personal Independence Payment contract in Northern Ireland.

Agreed: The Committee agreed the Clerk will notify the Assembly Committee Clerks on these decisions.

The Committee remained in Closed Session at 3.49 pm

10. Draft Forward Work Programme

The following officials remained in the meeting:

Mr Kieran Donnelly, CB C&AG;
Mr Tomas Wilkinson, Director; and
Mr Kyle Bingham, Assembly Support Officer NIAO.

The Committee noted the draft Forward Work Programme covering the period 15 April to end of May 2021, which outlines the business for the remaining two meetings including the evidence session on 8 July 2021, Sports Sustainability Fund.

Agreed: The Committee agreed to invite Mr George Lucas, Chair of Sports NI to give evidence on 8 July 2021.

The meeting remained in Closed Session at 3.50 pm

11. Any Other Business

NONE



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12. Date, Time and Place of Next Meeting

The next meeting of the Public Accounts Committee will take place on Thursday 1 July, at 2.00 pm in The Senate, Parliament Buildings.

The meeting adjourned at 3.51 pm.

Mr William Humphrey MBE MLA
Chairperson
Public Accounts Committee
24 June 2021