



Northern Ireland Assembly

COMMITTEE FOR SOCIAL DEVELOPMENT

MINUTES OF PROCEEDINGS

THURSDAY 9 January 2014
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 Trevor Clarke MLA
 - Mr Stewart Dickson MLA
 - Ms Dolores Kelly MLA
 - Mr Fra McCann MLA
 - Mr Sammy Wilson MLA
- In Attendance:**
- Dr Kevin Pelan (Assembly Clerk)
 - Ms Claire McCanny (Assistant Assembly Clerk)
 - Mr Stephen Orme (Assistant Assembly Clerk)
 - Mr Stephen Todd (Assistant Assembly Clerk)
 - Mr Stewart Kennedy (Clerical Supervisor)
 - Miss Allison Ferguson (Clerical Officer)
- Apologies:**
- Mr Gregory Campbell MLA
 - Mr Michael Copeland MLA

The Chairperson declared the meeting open to the public at 10.04 am.

1. Apologies

Apologies were as noted above.

2. Draft Minutes

Agreed: The minutes of the meeting held on 12th December were agreed.

3. Matters Arising

3.1 The Chair advised Members that the Department will update the Committee on the Social Housing Reform Programme on Thursday 27th February; in addition to this, the Department have suggested holding an informal update / workshop with the Committee on 13th February.

Agreed: Members agreed that the Committee Clerk would seek clarity from the Department on the content of the proposed informal briefing, so that the Committee could make an informed decision as to whether to schedule this meeting for 13th February.

3.2 The Chair advised Members correspondence has been received in relation to the Campbell-Tickell Report and NIHE planned maintenance contracts. The Deputy Chair updated Members on a meeting that he attended on 17 December at the request of and attended by the Minister relating to these issues. Senior DSD officials, the Minister's Special Adviser and the Chair of the Housing Executive also attended.

Agreed: Members agreed to schedule a briefing from Legal Services for 16th January on advice received regarding the committee's request to the NIHE for the draft Campbell-Tickell report and to discuss related planned maintenance matters.

3.3 The Chair advised Members that the Committee received a letter from Volunteer Now on 12th December, asking the Committee to review the role of volunteering infrastructure support and the Department's approach.

Agreed: Members agreed to return to the issue of volunteering substantively in the coming weeks.

3.4 The Chair reminded members that the Committee requested a briefing from the Department on the Travellers Design Guide and that this had yet to be scheduled.

Agreed: The Committee agreed to schedule the briefing in the Committee Forward Work Programme.

4. January Monitoring Round – Departmental Briefing

The following officials joined the meeting at 10.18 am:

- Andrew Hamilton, DSD
- Stephen McMurray, DSD

The Chair advised the Committee that, as this briefing had to be postponed from 12th December, the Department has already submitted its return to the Department for Finance and Personnel.

The officials briefed the Committee.

The officials then took questions from Members. The Committee expressed its disappointment that the Department is again surrendering money from the budget of the Social Housing Development Programme and planned maintenance programme amounting to approximately £17m.

The Committee noted that £10m of this related to the business case for the proposed NIHE 'buy-back' scheme, which the Committee had been briefed about at the October Monitoring Round, not being approved.

The Committee also raised serious concerns about the 'clawback' of £8.1m housing grant from Helm Housing Association.

Agreed: Members agreed to request details of the Department's negotiations with Helm, regarding the 'clawback' of £8.1 million.

Agreed: The Committee agreed to request the business case of the buy-back scheme from the Department.

Agreed: The Committee agreed to ask for a timetable of actions and progress relating to planned maintenance contracts.

The officials left the meeting at 11.06 am.

This session was recorded by Hansard.

5. Briefing – Provision of papers to Committee Inquiry

The following official joined the meeting at 11.07 am:

- Will Haire, Permanent Secretary, DSD

The Chair noted that there were serious concerns about the Department's approach to facilitating the Committee's request for papers relating to the inquiry. This related not only to the timeliness of release of papers but the department's lack of proactivity in making the Committee aware of other relevant documents discovered in the course of sourcing material

requested by the Committee. The Chair indicated that this suggested a ‘Don’t ask, don’t tell’ policy being operated by the Department.

The Chair also asked for clarification on the rationale for all documentation released by the Department first being ‘noted’ by the Minister, given that the current phase of the inquiry is focussed on considering whether the Minister misled the Committee. The Chair noted that this placed the Minister in a potentially invidious position with the potential for him being subject to a perceived conflict of interest.

The Chair also requested clarification on the Department’s role in drawing the Committee’s attention to contradictions or inaccuracies in officials’ evidence.

Mr Haire advised that the Department has sought at all times to assist as best it can with the Committee’s requests. He also advised that facilitating such requests was complex and time-consuming as, invariably, the material requested was not retained within a single file or one business area of the Department. Mr Haire noted that he and senior officials had already met with Committee officials to discuss the handling of future information requests and the establishment of an agreed protocol that would underpin any future requests. He also noted that a further meeting would be scheduled for the following week to expedite this issue.

On the issue of the Minister noting the information to be sent to the Committee, he advised that the Department was working to the protocol established between the Assembly and the Executive and that there was no alternative other than to adhere to that protocol. Mr Haire also referred to the novel nature of this inquiry and the need to learn lessons on how such an inquiry should be managed and that this was an on-going process.

Mr Haire gave his assurances to the Committee that the Minister has never tried to obstruct, delay or refuse the release of any information requested by the Committee relating to the inquiry.

Mr Haire also noted that where documents indicated that there were contradictions in evidence provided by officials these have and would be provided to the Committee. He referred to the document which noted who changed the note of the meeting on the 16 April 2012 and when these changes were made as an example.

Mr Haire again provided his assurance to the Committee that the Department would endeavour to provide all information relevant to the inquiry, and that an expeditious and mutually agreeable approach to information gathering would be developed through discussion between Department and Committee staff.

The Chair thanked Mr Haire for his attendance.

This session was recorded by Hansard

6. Evidence Session with Stephen Brimstone, Special Adviser to the Minister for Social Development

The following official joined the meeting at 11.44 am:

- Stephen Brimstone, Special Adviser to the Minister for Social Development

The official briefed the Committee.

The official then took questions from Members.

Members expressed a desire to write to the Glass and Glazing Federation seeking more details on the Federation's press release of October 2011, which announced that the Federation was building a relationship with the Minister's Special Adviser. The Chairperson noted that the Committee had already written to the GGF seeking clarification regarding this press release.

Agreed: The Committee agreed to follow up with the Glass and Glazing Federation to seek a response to its request for clarity on the contents of the press release.

Mr Brimstone left the meeting at 1.05 pm.

This session was recorded by Hansard

The Committee suspended at 1.06pm.

The Chairperson declared the meeting open to the public at 1.24 pm.

Present:

Mr Alex Maskey MLA (Chairperson)
Mr Mickey Brady MLA (Deputy Chairperson)
Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Trevor Clarke MLA
Mr Stewart Dickson MLA
Ms Dolores Kelly MLA
Mr Fra McCann MLA
Mr Sammy Wilson MLA

7. Evidence Session with Barbara McConaghie, Former Private Secretary to the Minister for Social Development

The following official joined the meeting at 1.26 pm:

- Barbara McConaghie, former Private Secretary to the Minister for Social Development

The Chair advised Ms McConaghie that although the Committee presumes the professional integrity of witnesses throughout the inquiry process, it had agreed to administer an oath or affirmation where it had received conflicting or contradictory evidence.

Ms McConaghie was advised that aspects of her written evidence contradicted oral evidence that was previously given by Michael Sands and that it was for this reason she had been requested to give evidence under oath or affirmation.

The Chair confirmed with Ms McConaghie that she had been advised by the Department of the potential legal implications of giving evidence under affirmation. The Chair asked Ms McConaghie to consider the wording of the affirmation and then read this into the record when she was ready.

Ms McConaghie considered the wording of the affirmation then read the following into the record:

“I 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.”

Ms McConaghie then took questions from Members.

Stewart Dickson MLA left the meeting at 1.50 pm.

Agreed: Members agreed to review all inquiry evidence received thus far in closed session on 23rd February.

This session was recorded by Hansard.

Dolores Kelly MLA left at 2.25 pm.

8. SL1 The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (Northern Ireland) 2014

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

9. SL1 Proposed Secure Tenancies (Notice) Regulations (Northern Ireland) 2012

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

10. SR 303/2013 The Housing Benefit (Executive Determinations and Local Housing Allowance) (Amendment) Regulations (Northern Ireland) 2013

Agreed: The Committee agreed to defer consideration of the Rule until further information is provided by the Department as per its request of 17 December 2013.

11. SR 308/2013: The Jobseekers Allowance (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2013

Following some discussion on the implications of the Statutory Rule, the motion was proposed:

That the Committee agrees that it is content for the Rule to be made

The Committee divided:

Ayes 4;

Noes 3;

Abstentions 0.

AYES:

Mr Jim Allister

Ms Paula Bradley

Mr Trevor Clarke

Mr Sammy Wilson

NOES:

Mr Mickey Brady

Mr Alex Maskey

Mr Fra McCann

The motion was passed.

The Chair read the following into the record:

That the Committee for Social Development have considered Statutory Rule SR 308 2013 The Jobseekers Allowance (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2013 and subject to the Examiner of Statutory Rules' Report has no objection to the Rule.

12. Correspondence

The Chair advised Members of the correspondence received.

Agreed: The Committee agreed to schedule discussion on the terms of reference for the Committee for the Environment's Inquiry into Wind Energy with an emphasis on the economic impact of wind energy on consumers.

13. Forward Work Programme

Agreed: The Committee agreed the draft Forward Work Programme.

14. Any Other Business

Mr Wilson noted his concerns about the £5 million per month 'fine' imposed upon the Executive due to the lack of progress on the Assembly's Welfare Reform Bill.

Agreed: The Committee agreed to write to the Office of the First and deputy First Minister for an update on progress with the Bill.

15. Adjourn

The Chair adjourned the meeting at 2.36 pm.

The next meeting of the Committee for Social Development will take place on Thursday 16th January, at 10.00am in Room 29, Parliament Buildings.

Mr Alex Maskey

**Chairperson, Committee for Social Development
16 January 2014**