



NORTHERN IRELAND ASSEMBLY – COMMITTEE SYSTEM

Types of committees

There are 4 types of committees:

Statutory Committees, which have been set up to advise, assist and scrutinise Ministers and their Departments;

Standing Committees which are established as permanent committees of the Assembly and undertake specific roles as set out in the Assembly Standing Orders;

Ad hoc Committees that are established from time to time usually to deal with specific time bound issues (usually reserved matters); and

Joint Committees that consider matters of concern to more than one committee.

Q. Where do committees get their powers?

The committees get their powers from three sources:

1. The Belfast Agreement

“ There will be a committee for each of the main executive functions of the Northern Ireland administration.... The committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated... They will have the power to....”

Para 9 of Belfast Agreement

2. The Northern Ireland Act (1998), which allowed for the implementation of the Agreement, stated that provision would be made for ...

“ establishing committees of members of the Assembly to advise and assist each Northern Ireland Minister on the formulation of policy with respect to matters within his responsibilities as a Minister.... (and) conferring on the committees powers described in paragraph 9 of Strand One of the Belfast Agreement.” **Section 29 Northern Ireland Act (1998)**

NB: The Northern Ireland (St Andrews Agreement) Act 2006 amends the 1998 Act to establish a statutory committee for the Office of First Minister and Deputy First Minister and to establish a new standing committee, to review functioning of the Assembly and Executive Committee. This committee is known as the Assembly and Executive Review Committee.

3. Assembly Standing Orders (rules)

“ The Assembly shall establish Committees to

- (a) discharge duties in relation to Departments (Statutory Committees); and
- (b) carry out any other functions deemed necessary.

The Role of committees

Statutory Committees

There are 12 statutory committees – one for each of the 11 Government Departments and the Committee for the Office of the First Minister and deputy First Minister (OFMDFM). The Committee for Justice was established on 12 April 2010, to scrutinise the work of the new Department of Justice.

The roles given to the statutory committees under the Belfast Agreement and the Northern Ireland Act are deliberately extensive. These committees have a legislative role; a scrutiny role and they have advisory and consultative roles.

These committees are therefore different to committees in some other legislatures, such as the select committees at Westminster, as they have wider ranging responsibilities.

Powers

Specifically, the statutory committees have the power to -

- consider and advise on their Department’s budget and annual plans in the context of the overall budget;

- consider secondary legislation and take the Committee Stage of primary legislation;
- initiate inquiries and make reports;
- consider matters brought to their attention by Ministers.
- initiate legislation; and
- call for persons and papers. If an individual who is summonsed refuses to attend, or refuses to produce the documents required by the committee, they may be found guilty of an offence and fined or imprisoned for up to three months!

Given the absence of formal party opposition, these committees are the main method by which the Assembly holds the Executive to account.

Standing Committees

The Standing Orders of the Assembly set out specific roles for each of the standing committees, of which there are currently six:

The standing committees are –

The Business Committee - arranges the plenary business;

The Audit Committee – scrutinises the spending plans and accounts of the NI Audit Office.

The Committee on Procedures - reviews Standing orders and Assembly procedures;

The Standards and Privileges Committee - deals with matters relating to the privileges and conduct of members;

The Public Accounts Committee – scrutinises the use of resources by Departments and government agencies;

The Assembly and Executive Review Committee – this was established under the Northern Ireland (St Andrews Agreement Act) 2006 to examine a range of matters relating to the functioning of the Assembly and the Executive Committee.

Like statutory committees, standing committees have the power to send for persons and papers.

Ad Hoc Committees

From time to time, the Assembly establishes Ad Hoc Committees to consider specific, usually time bound, issues such as legislation on reserved or excepted matters. These committees usually have about two months to carry out their work and report to the Assembly.

While ad hoc committees have tended to deal with proposed reserved legislation, such as criminal justice legislation before these powers were devolved in April 2010, ad hoc committees can deal with any issue determined by the Assembly. In 2012, one was established to consider the controversial Welfare Reform Bill and whether or not aspects of the Bill conformed to equality requirements in NI. The Ad Hoc Committee on Conformity with Equality Requirements was recently established 'in order to consider only and report only on whether the provisions of the Welfare Reform Bill are in conformity with the requirements for equality and observance of human rights.'

Joint Committees

The establishment of a joint committee is one of the two ways in which matters of concern to two or more committees can be considered by the Assembly. Committees can also sit concurrently (together) to consider such matters. The Committee for Agriculture and Rural Development and the Committee for Health, Social Services and Public Safety met together to jointly consider the problem of contamination of beef products, with horse and pig DNA.

Committees assist the Assembly in its work: –

- as a legislature, by **taking the Committee stage of legislation** and considering subordinate legislation;
- in **calling Ministers to account**, through their work on inquiries and scrutinising the work of Ministers and Departments; and
- in the **consideration of annual budgets and plans**.

Statutory committees are an **important part of the checks and balances built in to our system of devolution that ensure power sharing**:

- the Chairpersons and Deputy Chairpersons of committees are appointed under the d'Hondt system.
- The Chair or Deputy Chair of a committee should not, if at all possible, be of the same political party as the Minister.
- The membership of each committee is representative of the make-up of the parties within the Assembly and most committees comprise members from at least five of the political parties.

Despite this wide range of views across the political spectrum, working relationships within committees are usually harmonious between the different political parties and party political differences seldom surface during committee meetings. Members of all political parties work constructively in committees to carry out their legislative and scrutiny roles. A committee that acts as one voice reinforces its cohesion and power.

Committees are keen to foster close working relationships with Ministers, officials and others to benefit the public. However, they will not compromise on their scrutiny role or the role they play in calling Ministers to account.

Q. How significant is the power to initiate legislation?

This power means that a committee could if it wished, draft a bill and introduce it in the Assembly. This is a way for committees to directly achieve the changes they want to see. One committee bill was introduced in the first mandate of the Assembly, but fell due to suspension. In November 2010, the Committee on Standards and Privileges (Standing Committee) and the Assembly Commission (corporate body of the Assembly) jointly introduced the Assembly Members (Independent Financial Review and Standards) Bill. Passed in March 2011, this Bill concerned the establishment of an independent panel to determine the salaries and allowances of MLAs. It also allowed for the creation of the post of Assembly Commissioner for Standards to ensure independent, objective investigations into complaints against Members.

When a statutory committee sees the need for new legislation in a particular area, it will usually, in the first instance, try to persuade the Minister to introduce a bill. The drafting process is time-consuming and expensive, and departments have the systems and skills to hand to do this more easily. If the Minister does not agree to do this, then the Committee will bring it forward. This power is a tool for statutory committees to hold Ministers to account. By introducing a bill, a committee is making the point that legislation is needed in a particular area and in the absence of action by the Minister, the Committee has had to act independently.

Q. How significant is the advisory and consultative role?

Statutory committees advise and assist Ministers in the formulation of policy. The committees must therefore be consulted about changes in policy or the development of new policies. This gives them an opportunity to shape policy at an early stage. Committees themselves can initiate a new policy or a change in policy. See below for examples of Committee influence on policy.

Q. Compared with direct rule, what has the establishment of these committees meant for Ministers, officials, chief executives, NDPBs? (Non-Departmental Public Bodies and agencies, eg Labour Relations Agency, Invest NI and the Tourist Board).

- **Closer and more detailed scrutiny of policies**
- **Closer and more detailed scrutiny of subordinate and primary legislation**
- There is also **intensive questioning about budgets and annual plans**. Not all of this is adverse – the combined pressure brought by local Ministers supported by their committees can mean changes for the better and, in some areas, committees can be allies as well as adversaries.
- Many interest groups and lobby groups are now aware that Assembly committees are an important part of the system and are, in many instances, more accessible and open to persuasion than Ministers and officials.

Scrutiny of policy, legislation and budget expenditure is much more open and transparent than in the past. Most committees carry out most of their work in public session. The vast majority of meetings are held in public. This means members of the press and public can attend committee meetings if they wish and, if meetings take place in the Senate Chamber or Rooms 29 and 30, they are broadcast live on the internet and on BBC Democracy Live - where you can also access an archive of past meetings. Meetings in other rooms are audio recorded. The office of the Official Report (Hansard) takes Minutes of Evidence in some committee meetings, generally for those parts of meetings that involve the consideration of legislation or taking of evidence as part of a committee inquiry. Committees have a closed session (not open to the public) if they are finalising a report and don't want their conclusions and recommendations released until they officially 'sign off' and publish the report. Committee reports are usually published within three working days of being agreed.

Committees also make an effort to hold meetings outside Parliament Buildings, so that the public has the opportunity to attend meetings in their local area. As part of their evidence gathering role, committees also go on external, fact finding visits to relevant locations in Northern Ireland and, occasionally, outside Northern Ireland.

Q. How do committees cope with such a wide range of responsibilities?

There is a danger that committees could be flooded with work from the Departments, which would not allow them to carry out their scrutiny and policy development roles. To prevent this happening, committees draw up a **forward work programme** at the start of each session

which will build in time to include legislation as it is introduced to the Assembly and on which Committees take evidence and report to the Assembly after committee Stage in the legislative process. Committees will decide early in a new session what major scrutiny work should be done and whether to conduct a formal inquiry. Committees are **selective about the issues which they will look at** and do not respond to everything a Department sends their way, becoming more adept at setting their own agendas and managing the burden of work by being strategic in approach. They realise that, to be effective, they have to be selective and they prioritise their time effectively. Committee forward work programmes are posted on the Assembly website and are updated regularly.

What is the role of committee staff?

The work of committee staff involves:

- Organising meetings
- Preparing the papers and briefing for members and the chairperson. Most papers from departments and agencies are accompanied by papers from committee Staff and the Assembly researchers, providing a summary and drawing attention to key points, problem areas and issues the committee may wish to follow up;
- Producing the Minutes of Proceedings of the weekly meetings;
- Commissioning research;
- Suggesting inquiry topics for the Committee/drafting the terms of reference for Inquiries;
- Organising evidence sessions with witnesses. The Office of the Official Report (Hansard) produces the Minutes of Evidence;
- Drafting committee reports and speeches;
- Arranging committee visits here and abroad;
- Liaising with the press/public/Officials; and, of particular importance:
- providing procedural guidance to Members – on the rules around committee meetings

Despite what some members of the public and the media might think, when the Assembly is in operation, MLAs are extremely busy. They have to attend plenary sittings and deal with party business and constituency work. Most are members of 2 or 3 Assembly committees. The time that each member can devote to the work of a particular committee is therefore limited and it is the role of committee staff to ensure that the time allocated for meetings is used as constructively as possible. A committee meeting lasts on average around 2 – 3 hours each week.

Q. What have the committees done?

Between May 2007 and March 2011, there were 2095 Committee meetings, of which 113 were held outside Parliament Buildings. Committees scrutinised and reported to the Assembly on 52 Primary Bills, and produced a further 129 reports.

In the current mandate, up to March 2013, there have been 958 meetings, 81 of which were held outside Parliament Buildings, and 12 bills have gone to committees for the Committee Stage of the legislative process.

Committees scrutinise Departmental budgets on a quarterly basis and contribute to the development of policy in relation to the delivery of public services.

Inquiries have been held into a range of subjects:

- Education Committee - School Councils (2011-12)
- Committee for Culture, Arts and Leisure - Creative Industries (2011-12)
- Enterprise Trade and Investment Committee - Developing the NI Economy through Innovation, Research and Development (2011-12)
- Justice Committee – Victims and Witnesses experiences of the Criminal Justice System (2011)
- Environment Committee – the Management of Used Tyres in Northern Ireland (2011-12)
- Culture, Arts and Leisure Committee – Creative Industries (2012-13)
- Regional Development Committee – Transport Delivery Structures (2012-13)
- Employment and Learning Committee – Careers Education (2013)

See below for further examples of inquiries and their impact.

NB: Get involved! If you have an interest in or views on an inquiry issue, write in to the relevant committee and your submission will form part of the evidence used by the Committee to form their views on the issue. The Assembly website's homepage will keep you up to date on current inquiries and calls for evidence.

Examples of impact of committees

Examples of Impact on Legislation - primary and subordinate (statutory rules – SRs)

Primary legislation sets out the policy intention and framework of a new law. Secondary, or subordinate, legislation updates existing laws or adds necessary details. For example, in relation to the Sunbeds Bill which became an Act in May 2011, it states that salons must provide information to clients regarding sunbed use and the dangers involved. Secondary legislation will be required to detail exactly what information must be communicated. In 2010-11, the Environment Committee took the Committee Stage of 5 bills, which represents a considerable amount of work. In 2009-2010, the Committee for Regional Development dealt with 115 pieces of subordinate legislation, in addition to 2 primary bills.

The Agriculture and Rural Development Committee At the Committee Stage of the **Forestry Bill** (09-10), the Committee took evidence from environmental organisations, timber processors, sporting organisations and farming representatives. It achieved a substantial number of amendments to the Bill to maximise opportunities for enhanced use of the forest estate in Northern Ireland for recreational, social, economic and environmental benefit. The Committee also prevented the introduction of a fee for felling licences. The Bill received Royal Assent and became an Act in June 2010.

The **Welfare of Animals Bill (2010-11)** attracted a great deal of attention in the local press due in main to a successful amendment to the Bill, suggested by the Committee, which introduced a total ban on the docking of dogs' tails (with exceptions for certain working breeds). The Bill brought welfare rights for non-farmed animals into line with those of farmed animals, introduced stricter controls to prevent the practice of animal fighting and provided the basis for greater regulation of dog breeding establishments. Critically, the legislation now allows the authorities to intervene to prevent neglect/cruelty where it is likely that an animal *might* suffer. The Bill received Royal Assent in March 2011.

The Committee has been involved in the *pre-legislative stage* of one piece of primary legislation - the **Reservoirs Bill**. DARD is responsible for the implementation of the EU Floods Directive, with technical requirements being progressed by the Rivers Agency. The Directive required the completion of a flood risk assessment, which identified a significant number of reservoirs where dam failure would have serious consequences for households within the flood path. The Department decided that the best means to tackle this was via primary legislation. A public consultation on the issue, by the Rivers Agency, took place between March 2012 and June 2012. The Agency reported to the Committee in with a summary of consultation responses and proposals for changes it planned to make before introducing the Bill in September 2013. The Committee aims to gather evidence in Autumn 2013 during the Committee Stage of the Bill.

The Agriculture and Rural Development Committee considers substantial numbers of **subordinate legislation** both at the SL1 stage (consideration of the policy behind the proposed legislation) and at SR stage (whenever the Statutory Rule has been laid in the Business Office).

During the 2011/12 session, the Agriculture Committee scrutinised and approved 40 pieces of secondary legislation dealing with a wide range of topics, including animal and plant health, organic farming, fishing and policies for payment of European funding schemes. Noteworthy pieces of secondary legislation the Committee considered at SL1 stage include, under the parent, Welfare of Animals Act (2011), the Docking of Working Dogs' Tails Regulations (NI) 2012 and the Dog Breeding Establishments Regulations (NI) 2012. It also scrutinised the Forestry Land Byelaws (NI) 2012 (under the Forestry Act).

The Environment Committee's detailed scrutiny of the **Taxis Bill** (2007/08) led to over 70 changes to the Bill, eg, to establish a role for the Consumer Council to manage passenger complaints and the regulation of fares.

Having scrutinised the **High Hedges Bill** (2011), the Environment Committee felt strongly that if a person had to pay a council to complain about a high hedge, they should get their money back if the complaint was found to be valid. The Committee brought forward its own amendment to ensure the Department made the necessary changes to the Bill. Although England, Scotland and Wales have similar legislation for addressing high hedges, the requirement for a complainant not to be out of pocket for a valid complaint is unique to Northern Ireland.

After the 3-month Committee Stage of the **Wildlife and Natural Environment Bill** (2009-10), the Committee for the Environment made several recommendations to the Department to improve the Bill. These included adding more species to the list of birds whose nesting sites would be protected by the new legislation and increasing protection for the 2 species of seal found in NI waters. The Minister accepted the recommendations and, while the Bill was still in Committee Stage, the Department drafted amendments to make the necessary changes, which were then brought to the Committee for approval. The amendments were subsequently agreed by the full Assembly at Consideration Stage and became part of the Bill. However, the Minister declined to accept another recommendation of the Committee; to ban the use of all snares in Northern Ireland rather than limit the use of some, and the Committee tabled its own amendment for a ban. The Department tabled a competing amendment to allow the continued use of some snares but only under licence. While the Committee tried to persuade the Assembly to vote for a total ban, it was the Department's 'compromise' amendment that won approval and the implementing regulations are due to be introduced this year.

When the Environment Committee considered the Department's **Marine Bill** (2012), it received 34 written briefings from organisations and individuals and took oral evidence from a number of these, including the first group of young people to formally present evidence to a Statutory Committee. The Committee then made 12 recommendations, all of which were accepted by the Department and will be delivered through commitments for action or amendments to the Bill. In particular, the Committee was keen to ensure that the legislation would require the Department to adequately take account of existing marine interests such as fishing, before designating Marine Conservation Areas (MCZ) and that it would require any public authority that failed to comply with its duties in an MCZ to provide an explanation in writing. Many stakeholders suggested the Bill should make provision for the creation of a new marine management organisation to provide a coordinated approach to the delivery of marine functions which are currently spread over 6 government departments. For a number of reasons the Committee did not support this but agreed its own amendment to increase integration and coordination across departments. This was accepted by the Department and brought forward as a Departmental amendment to the Bill.

The Health, Social Services and Public Safety Committee took the Committee Stage of the **Sunbeds Bill** (2010/11), which sought to ban those under 18 from using sunbeds. The Committee received 30 written submissions and heard oral evidence from 5 key stakeholders. The evidence was overwhelmingly in favour of the Bill. As a result of Committee scrutiny, the Department agreed to make amendments to 12 of the clauses in the Bill. The key amendments will result in better enforcement of the legislation in terms of preventing under 18s using sunbeds, more detailed information being provided on the health risks of sunbeds for users, and increased fines for those who contravene the legislation.

As a result of the Committee Stage of the **Safeguarding Board Bill** (2010/11), which created a Board to work together to protect and safeguard children, the Department agreed to make amendments to 10 of the clauses in the Bill. The key amendments will ensure that the Safeguarding Board must consult with children and young people and that the Department has no power to veto reports produced by the Safeguarding Board. In addition, as a result of evidence obtained by the Committee, the Minister agreed to significantly increase the salary for the Chair of the Safeguarding Board, hence improving the chances of attracting a person of suitable calibre and experience to this important role.

The Social Development Committee As a result of the Committee's intervention in the **Housing (Amendment) Bill in 2009-10**, Houses in Multiple Occupation (HMO) - often used by migrants and poorer families and which can be subject to overcrowding and poor conditions

– will be better regulated; landlords operating rent-controlled properties – which can be of a very poor quality – will be subject to closer Assembly scrutiny; homelessness advice – essential to tackle the rising tide of homelessness – will now include homelessness prevention information; the means by which social homes are allocated will be reviewed; and anti-social behaviour policies for all social landlords will be published and aligned to ensure consistency and fairness

Following the Committee's review of the **Housing (Amendment) (No.2) Bill** (2010-11), a number of amendments will be made to the Bill and new clauses added. People in long-term private rented tenancies will have longer notices to quit – i.e. the landlord will be required to give a reasonable notice period before asking them to move out; social landlords will be able to prevent anti-social tenants who have committed serious offences from swapping their council house with someone else's; courts will consider the impact on communities of the actions of an anti-social tenant; and fines for not registering a House in Multiple Occupation (see above) will be up to £20k - a significant deterrent for bad landlords.

The **Licensing and Registration of Clubs (Amendment) Bill**, passed in 2010, allows the police to close unruly pubs and introduces a proof of age scheme for licensed premises and a penalty points system for pubs and clubs. It also limits late licenses operated by registered clubs. In the course of Departmental consultation with the Committee, a number of amendments were agreed, including new measures to curb irresponsible drinks promotions. Secondary legislation will set out what these measures will be and they may be used to prevent all-you-can-drink promotions in nightclubs and to curb cheap alcohol offers in off-licenses.

In 2012 the Social Development Committee considered three Bills:

the Pensions Bill introduced a number of changes to the State Pension framework but the key change was to bring forward the equalisation of women's State Pension age with men by November 2018 and increase the State Pension age to 66 by October 2020. Although the Committee did not support the key clause to introduce these changes, the Assembly subsequently voted to adopt the Bill in full. The main argument for doing this was the cost associated with Northern Ireland making any changes that were not consistent with those changes made in GB;

the Charities Bill was a relatively straightforward Bill, with the purpose of amending the Charities Act (Northern Ireland) 2008 to provide clarity on how to determine whether an institution is, or is not, a charity. This Bill enabled the Charities Commission to begin the process of formal registration of charities in Northern Ireland;

the Business Improvement Districts (BID) Bill This type of Bill allows businesses within a defined area to vote for collective investment in additional services in order to improve the commercial environment within that area. Additional services or projects are funded by a local business levy (tax) and all businesses within a potential BID have the opportunity to vote on proposals before the levy is imposed i.e. it is mandatory if supported in a vote. Proposals are developed by local business-led partnerships, usually in co-operation with the local council. The BID levy offers a source of finance to fund additional services or projects required by the local business community. The Committee was very supportive of this Bill, as were stakeholders. The key issue for the Committee was to ensure that the Minister would consider providing funding for the development of BID proposals.

The Social Development Committee has also been considering the **Welfare Reform Bill**, perhaps the most contentious Bill to come before the Assembly. This Bill proposes the greatest change to the benefit system in a generation. The Committee unanimously opposed 10 key clauses in the Bill and recommended that the Minister discuss Executive spending priorities with his Ministerial colleagues given the Committee's report. During the Committee Stage the Committee also recommended to the Assembly that an Ad Hoc Committee be established to consider equality and human rights issues arising from the Bill. The Assembly agreed this and the Ad Hoc Committee subsequently reported on these issues. At the time of writing agreement has yet to be reached on a way forward and the Bill has not yet progressed through the Assembly.

Pre-legislative Scrutiny As well as formal consideration of Bills the Committee has also considered issues relating to reform of **liquor-licensing** and **gambling legislation** at drafting stage. This has involved briefings from the Department and stakeholders. Bills are expected with the next 8-12 months.

In the 2010-11 session, **the Committee for the Office of the First Minister and deputy First Minister** successfully scrutinised the Bill to introduce an Older People's Commissioner. The Commissioner took up office in November 2011.

In the 2012-13 session, the Committee scrutinised the **Inquiry into Historical Institutional Abuse Bill**. The Committee was successful in having Ministers agree that the Inquiry should hear from victims who had suffered abuse as long ago as 1923 – the original proposal was to hear from victims who had suffered abuse from 1945 onwards. The Inquiry is now up and running. In its report on the Bill, the Committee acknowledged that there are victims and survivors of abuse who fall outside the scope of the Inquiry and agreed to engage further with OFMdFM on this issue.

The Committee has also developed proposals to bring forward its own primary legislation to merge and reform the offices of:

- the Assembly Ombudsman for Northern Ireland; and,
- the Northern Ireland Commissioner for Complaints.

This will be the first major piece of primary legislation to be introduced by a statutory committee. It is hoped to develop the Bill before the end of the 2013-14 session.

The Education Committee concluded its work on the Education Bill in April 2013. The Bill seeks to establish a single new administrative body for all schools in Northern Ireland – the Education and Skills Authority (ESA). During the Committee Stage, Members raised concerns about a number of issues including ESA’s role as the sole employer for all staff in schools in Northern Ireland and the role and independence of the Education and Training Inspectorate. The Committee also made recommendations relating to shared education and measures of achievement for schools, other than academic results, which would recognise how value is added by teachers. The Bill can be amended at Consideration and Further Consideration stages.

The Committee for Regional Development In 2009-10 the Committee looked at two bills – the **Roads (Miscellaneous Provisions) Bill** and the **Transport Bill**. On the Roads Bill, the Committee’s amendment provided a clearer definition of filming to ensure that roads could be closed for the making of advertisements, thus supporting the creative industries in Northern Ireland. A larger number of amendments were made to the Transport Bill, to ensure that decisions made by the Department on transport planning and delivery have due regard to sustainability and accessibility, as well as value for money, efficiency and safety of operation. The Committee has dealt with one small bill in 2012/2013, the Water and Sewerage (Amendment) Bill, which extends the time period for subsidy of household water charges until 2016.

The Committee for Justice From November 2010 to March 2011 the work of the Justice Committee was dominated by the **Justice Bill**, which covered a diverse range of policy areas. The Committee supported the broad principles of the Bill, particularly those providing support to victims and improved services for vulnerable and intimidated witnesses. However, as a result of detailed scrutiny, the Committee recommended a range of key amendments, including the payment of expenses to members of Policing and Community Safety Partnerships (PCSPs) and clarity around the definition of missile throwing at football matches. The Minister accepted the recommendations and, while the Bill was still in Committee Stage, the

Department drafted amendments to make the necessary changes. They were subsequently endorsed by the full Assembly at Consideration Stage and became part of the Bill.

The Committee also recommended the removal of 4 clauses at Consideration Stage of the Bill. One clause placed a statutory (legal) duty on public bodies to consider community safety implications in exercising their duties. While the Committee supported the general principle, it believed that the clause as drafted raised the potential of costly legal challenges. The other 3 clauses related to alcohol at sporting events. While in no way condoning bad behaviour at sporting grounds, the Committee did not believe that a strong enough case had been presented to justify the need for new criminal offences in this area. The proposals were viewed by the Committee as unenforceable and impractical, and the Committee believed that the use of the current law together with self-regulation by the sporting bodies was the better approach to take.

The Minister refused to accept these recommendations, but the Committee received the support of the Assembly during Consideration Stage and the clauses were removed from the Bill.

From April 2011 to March 2013 the work of the Justice Committee was dominated by the scrutiny of primary and secondary legislation. The **Criminal Justice Bill** covers three policy areas: changes to the law on sex offender notification requirements; the introduction of two new offences aimed at preventing and combating human trafficking and protecting its victims; and the establishment of a new legislative framework for the retention of fingerprints and DNA samples and profiles.

While the Committee supported the broad principles of the Bill, particularly the introduction of two new human trafficking offences, it recommended that the Minister of Justice give consideration to the term of imprisonment that could be handed down to someone convicted of human trafficking. The Committee was concerned about the possibility that under the Bill, as introduced, conviction of human trafficking offences would attract a sentence of less than six months, or a fine, and felt very strongly that this did not reflect the gravity of this type of offence. In response to Committee concerns, the Minister brought forward amendments at Consideration Stage to make sure that cases regarding human trafficking offences will be heard in the Crown Court, where they can receive sentences of up to 14 years. The amendments were accepted by the Assembly. The Committee also brought forward an amendment at Consideration Stage to abolish the offence of 'scandalising the court' (eg being extremely offensive towards a judge or accusing them of corruption). The Committee received the support of the Assembly and the Bill was amended.

Regarding *secondary legislation*, the Committee brought about substantial changes to a proposal for a Statutory Rule which sought to amend the circumstances where the court can assign two counsel (legal advisers) to a defendant in a Crown Court case. The Committee met with the Attorney General to discuss its concerns and the Department agreed to change the draft legislation before it was brought to the Assembly.

On another piece of secondary legislation, the Committee highlighted the need to specify a fee in relation to high hedge appeal proceedings. The Department brought forward an amendment to do this. The Department of Justice also amended a proposed Statutory Rule to introduce Recovery of Defence Costs Orders (RDCOs), to take account of concerns expressed by the Committee that a person's dependants could be evicted from the family home because of a RDCO.

The Committee for Enterprise, Trade and Investment scrutinised the **Energy Bill** (2010-2011). The Committee recommended amendments relating to clauses in the Bill that related to reasons for power of entry to premises for gas companies, reasons for meter approval (to include repair) and provisions for meter tampering. The recommendations for changes to the latter two were accepted by the Department and the Bill was amended to reflect the recommendations.

The Committee for Finance and Personnel undertook detailed scrutiny of the policy proposals behind the **Rates (Amendment) Bill** in 2011, taking evidence from a wide range of stakeholders, prior to its introduction to the Assembly and in the knowledge that the Department would be seeking accelerated passage for the Bill (whereby the formal Committee Stage is bypassed). The Bill aimed to rebalance the non-domestic rating system by way of a levy (charge) on larger retailers, which would be used to help smaller businesses by funding an expansion of the small business rate relief scheme. While supporting this in principle, the *Committee influenced changes in the Bill before introduction*, including the exclusion of small businesses with multiple premises from the relief scheme. Moreover, the Committee secured various assurances, including: that duplication of reliefs would be examined (which was later addressed in subordinate legislation); that an evaluation of the effectiveness of the scheme would be undertaken; and that the revaluation of business properties will take effect no later than April 2015, to provide for a more transparent and fair way of distributing the rates burden.

The Committee also carried out a detailed investigation of the implications of **Air Passenger Duty** (APD) for the local economy as part of its scrutiny of proposals for a **Legislative Consent Motion (LCM)** on the provisions in the **UK Finance Bill 2012**, which would devolve

direct long-haul rates of APD to the Assembly. The main purpose of this measure was to save the existing direct flight route between Belfast and Newark (USA) and, as this involved the devolution of tax-setting powers, **the Assembly's consent was required via a LCM**. Evidence was taken from stakeholders representing the airports and airlines, the travel industry, business organisations and consumers, and the Committee's recommendations informed not only the considerations around direct long-haul rates of APD but also led to cross-departmental research into air connectivity. This will examine the case for reducing or abolishing APD on domestic and short-haul flights from NI and should, in turn, inform consideration of whether to press for the devolution of wider APD powers and how these might be exercised. The Committee's scrutiny of the LCM also led to an amendment to the Westminster Bill to enable measures to be taken to prevent luxury private aircraft flying out of NI from automatically benefiting from a zero-rate of APD.

Committee on Standards and Privileges – a joint Commission/Committee Bill. (The Commission is the corporate body of the Assembly – provides the Assembly with the property, staff and services it need to fulfil its role). In November 2010, the Committee and the Assembly Commission jointly introduced the Assembly Members (Independent Financial Review and Standards) Bill. The Bill passed all its stages and became law on 29 March 2011. The Act established the role of an independent Assembly Commissioner for Standards and an independent panel to determine the salaries and allowances of MLAs. The Commissioner's role is to ensure that MLAs are fully accountable and that the public can have confidence that there is an independent and objective process for investigating complaints against MLAs. (The Bill was referred to an ad-hoc committee for its Committee Stage.)

Examples of committee impact through budget scrutiny

The Committee for Finance and Personnel While all Assembly statutory committees have the power to consider and advise on departmental budgets, *the Committee for Finance and Personnel has a unique role in co-ordinating the Assembly's scrutiny of the NI Executive's overall expenditure of over £20 billion through the 12 government departments*. As well as closely analysing the budget allocations and spend for the Department of Finance and Personnel (DFP), the Committee co-ordinates the views of the other statutory committees and also examines strategic budgetary issues across the NI public sector. These include issues such as government purchasing, Civil Service pay, government office accommodation and how the public sector can operate more effectively and efficiently. The Committee also examines DFP's role in securing, planning, managing and monitoring public expenditure in line with Executive priorities.

In 2011, the Committee published a report on the Executive's draft Budget 2011-15 on behalf of all the Assembly statutory committees. The report contained key conclusions and recommendations on a wide range of cross-cutting issues, to help the Finance Minister and the Executive in preparing a final Budget. In a context of reduced public money, the Committee has focused on the need for achieving efficiency savings while protecting priority front-line services and on minimising year-end underspend. In terms of the latter, the Committee's work has resulted in NI returning considerably less unspent money to the Treasury each year as compared to during the direct rule period.

The Agriculture and Rural Development Committee In the 2009- 10 session, strict scrutiny by the Committee resulted in the Department moving from a £34m underspend to a balanced budget. The Committee argued for, and achieved, reallocations of budget to deal with issues such as hardship payments to businesses, eg potato growers.

During 2010-2011, the Committee lobbied the Department in relation to its plans to stop funding to the Young Farmers Clubs of Ulster and agricultural shows. As a direct result, the Department agreed to maintain funding for both. During the 2011/12 session the Committee examined departmental budgets on eight occasions. The Committee noted and approved the departmental bid in June 2012 for additional revenue to deal with increased compensation for Bovine TB due to an upsurge in outbreak of the disease.

The Education Committee has considered funding for primary and post-primary schools and scrutinised the Department's proposals to reduce funding for small schools and give more support to socio-economically deprived pupils. The Committee has also reviewed the Department's plans for new school builds and school enhancements.

During 2012-13, **the Committee for Regional Development** continued to undertake detailed scrutiny of the Department's quarterly budget reports. As a result of this scrutiny, the Committee and the Department were able to agree record investment for structural maintenance projects. The Committee continues to be concerned about the governance and future funding of water and sewerage service, and has been active in challenging the Minister and Department to resolve these issues.

The Justice Committee took detailed evidence on the draft Budget 2011 – 2015 from the department on 4 occasions between September 2010 and January 2011.

While the Committee broadly supported the proposed key priorities of the Minister of Justice, including the protection of front line policing, it raised concerns about the potential impact on front line services of proposed savings. In particular, it expressed concerns about the likelihood

of redundancies being required at the Probation Board and Police Ombudsman's Office. The Committee asked the Minister to look again at the funding of these organisations and he responded by providing additional resources.

From April 2011 to March 2013 the Justice Committee scheduled regular briefings on the how the Department of Justice was spending its budget. Key issues included: the likely impact of the delivery of required savings on a number of the arms-length bodies; the financial position and progress with Desertcreat College; costs and funding for the Prison Service Exit Scheme (for Prison Officers); and the level of overspend on legal aid, how this would be funded and the impact on other areas of the Department's budget. Given the high proportion of the overall Justice budget allocated to the PSNI, the Chief Constable and senior officers attended the Committee in February 2012 to discuss financial plans, priorities and pressures.

The Environment Committee was concerned by the reduction of Departmental income as a result of **reduced income from planning fees** during the economic downturn and, in particular, what impact this would have on planning staff (possible redundancies). It pressed the Department to produce a workforce model to predict and manage future staffing requirements. This was eventually put in place and the Committee receives regular updates.

The Committee was also keen to ensure that the new **single use carrier bag levy** was used by the Department as a tool to encourage a reduction in bag use rather than a source of income. The Committee tabled an Assembly motion in May 2012, almost a year before the levy was introduced, seeking clarification of the intention of the charge. The motion received the support of the Assembly.

The **Committee for Culture, Arts and Leisure** has been mindful of the difficulties of the current economic climate and has worked closely with the Department throughout the session to ensure that best use is made of the resources available. The Committee has received briefings and taken evidence from a range of bodies regarding the impact of the budget decisions taken by the Department.

The Committee for the Office of First and Deputy First Minister scrutinised the Executive's draft Programme for Government (PfG). The Committee took evidence from the First Minister and deputy First Minister and held a discussion event with the Children's Commissioner, the Victims and Survivors Commissioner, the Commissioner for Older People and the Chief Commissioner of the Equality Commission on the content of the draft PfG. It produced a report in February 2012, which included all statutory committees' views on the draft programme. Like all committees, the Committee scrutinises the Department's performance against its PfG commitments.

Impact of committees - policy development/scrutiny work

The Committee for Employment and Learning is currently (Spring 2013) conducting an inquiry into Careers Education, Information, Advice and Guidance (CEIAG) and will make a number of recommendations to the Department for Employment and Learning and the Department for Education. As part of its scrutiny role it is examining the Departments development of the 'Steps 2 Success' programme, Review of Teacher Education and the Review of Apprenticeships. The Committee is continuing its work around young people Not in Education, Employment or Training (NEET).

The Committee for Culture, Arts and Leisure continues to scrutinise proposals which will impact significantly on the provision of library services. Library provision has been a priority for the Committee since May 2011, as the Committee recognises the positive contribution that libraries make to our local communities. Therefore, the Committee expressed concern about proposals to close some rural libraries and to reduce the opening hours of many others. The Committee considered correspondence from school children and library users, describing the impact that these proposals would have on their lives, and heard that the impact would be greater for older people and people with disabilities, who rely more on the services that libraries offer.

The Committee called for Libraries NI to listen to affected communities and work with them to ensure that their needs are met. The Committee welcomed a reprieve for some rural libraries that were under threat of closure. The communities in those areas must now work towards meeting certain conditions if the longer-term viability of their library is to be guaranteed. The Committee will maintain a focus on these issues over the next couple of years.

The Agriculture Committee The EU Commission is currently in the process of consulting on the review of the **Common Agricultural Policy**. The Committee has been vocal on this issue, and has agreed its position on the legislative proposals.

The Committee has supported the Department in its plans to appoint a Rural Champion as part of its **Rural White Paper Action Plan**. The plan is designed to encourage maximum engagement between the Department and rural communities and greater joined up thinking to consider the impact of all policy proposals on rural communities.

The Committee closely monitors the **Single Farm Payment Scheme** (SPS) – payments made to farmers if they follow certain conditions and rules regarding the land they own or manage.

The Committee examines the Department's payment targets, use of technology and inspection processes.

Tree Disease has been another important issue for the Committee. In Autumn 2012, it received an emergency oral briefing from the Forest Service on the disease threat to ash trees. The Committee supported secondary legislation to ban imports of ash trees/wood and bark products.

The Committee for Regional Development (2011 - 2013) scrutinised a number of departmental policies, including those relating to Active Travel, Accessible Travel and Regional Transportation Strategy. The Committee continues to scrutinise Translink's plans for bus routes, as well as considering the plans for Belfast Rapid Transit and Belfast on the Move.

The Education Committee continues to consider the issue of arrangements for transfer from primary to post-primary schools, having provided a full response to the Minister of Education on proposals. The Committee has also scrutinised and responded to the Department on a considerable number of policy proposals, some of which would introduce major reforms to Northern Ireland's education system. These cover issues such as school improvement policy, literacy and numeracy, special educational needs, Irish medium education, sustainable schools and early years learning (0-6).

From April 2011 to March 2013 the **Justice Committee** examined numerous draft consultation papers and policy proposals on a wide range of criminal justice matters.

It spent a considerable amount of time scrutinising the overall plans to implement reforms of the Prison Service, given the importance of and implications of this issue. It also considered in detail the length of time it takes for cases to go through the criminal justice system, taking evidence on the causes of and actions being taken to address avoidable delay. It scrutinised specific proposals to encourage earlier guilty pleas and to reform committal proceedings (process by which someone is charged with a serious crime). While generally content with the proposals, the Committee suggested several changes which are under consideration by the Minister.

The Committee also considered policy proposals for a Sentencing Guidelines Mechanism. Whilst content that a Sentencing Guidelines Council should not be established at this time, the Committee recommended that numbers of members of the public on the Judicial Sentencing Group needed to be increased and there needed to be a public, open, transparent selection process for the lay (non-judicial) membership. Both recommendations were accepted by the

Department of Justice and the Lord Chief Justice also indicated his support for an open, transparent selection process.

The Committee also raised two issues with the Minister of Justice that it believed needed to be addressed. The first related to the need to amend the current position which does not permit the Director of Public Prosecutions to refer a sentence for a fuel laundering offence on the grounds that the sentence is unduly lenient. The Committee welcomed the Minister's commitment to take legislative action to address this. The second issue concerned increasing the timescale within which an application must be made to the court regarding an unduly lenient sentence from 28 days to 6 weeks. The Minister gave an undertaking to consider this matter and come back to the Committee with his position in due course.

The Environment Committee conducted a review of road safety issues and submitted a comprehensive response to the Department's Road Safety Strategy 2010 – 2020 Consultation. The finalised strategy took on board a number of recommendations made by the Committee.

The Committee considered at length the Department's proposals for **graduated driver licensing** to reduce the incidences of death and serious injuries among young drivers. Whilst the Committee endorses most of the Department's suggestions, it is very concerned about the proposal to prohibit newly qualified young drivers from carrying passengers, except for family members. The Committee does not believe this policy could be adequately policed and might be at risk of contravening human rights. It has indicated that it will reject this proposal should it be brought forward in future legislation.

The Environment Committee also wants to see the Department impose tighter penalties for repeat offenders when it introduces a **lower drink drive limit** in 2013. Currently, there is a 3 year penalty for repeat drink driving offences when committed within 10 years. As part of the forthcoming legislation to lower the drink driving limit, a new graduated sanction scheme for repeat offenders would impose lesser penalties for those who are above the new limit but below the old one. The Committee is concerned that this new graduated approach will be confusing, hard to administer and leave room for ambiguity. It would therefore like to see the 3 year sanction applied directly to the new lower blood alcohol limits when they are introduced to encourage first time offenders to learn from their mistake.

Throughout the course of the 2007-11 mandate, **the Committee for Finance and Personnel** made a wide range of recommendations to the Department through its formal reports on policy and public expenditure issues. On reviewing its impact towards the end of mandate, the Committee found that *almost 80% of its formal recommendations were accepted by the Department, a further*

12% were rejected, while just over 8% were categorised as “still under consideration” or for consideration by the Executive. Moreover, numerous other proposals were made in routine communication with the Department which were not included in this analysis.

This Finance and Personnel Committee played an important role in the reform of the domestic rating system. In 2007 it published a comprehensive report in response to a review being undertaken by the Executive. Many of the recommendations included in that report have been implemented over the following years, including rates for empty homes, single pensioner and carer discounts and relief for those in education and training.

Like all Assembly statutory committees, the Finance and Personnel Committee provides an effective forum through which a wide range of local stakeholders, including interest groups, lobbyists and the public, can highlight issues or concerns. Recent examples of this include: the grievances of groups excluded from the Civil Service Equal Pay settlement; concerns from the consumer and business sectors regarding banking issues; and differing views on whether NI should reform its civil law in line with developments at Westminster. By providing a mechanism for such issues to be aired, the Committee is facilitating more accessible government.

Examples of the impact of committees through inquiries

The Health Committee undertook a major inquiry into the prevention of **suicide and self-harm** in 2008. It produced a report containing 26 recommendations to build on and develop the Department’s suicide prevention strategy, ‘Protect Life – A Shared Vision’. In 2009, the Committee questioned Departmental officials about progress in implementing recommendations and were pleased that considerable progress had been made on many, including the Lifeline telephone helpline, protection of funding, and greater involvement for bereaved families.

The Health Committee undertook an inquiry into **obesity** in 2009. It considered 66 written submissions, held 17 evidence sessions and organised a research round-table event bringing together eminent academic experts and key stakeholders from across the United Kingdom and Republic of Ireland. The Committee produced a report containing 24 recommendations on the prevention and treatment of obesity. Twenty two of these recommendations were accepted by the relevant Departments.

In February 2010, the Committee questioned Departmental officials about progress in implementing recommendations, noting the Department’s intention to establish a Cross Departmental Obesity Steering Group to oversee the development of a 10 year Obesity

Prevention Strategy framework. The Committee expressed concerns about the timescales for implementing some recommendations.

The Committee for the Office of the First Minister and deputy First Minister held an inquiry into **child poverty** in 2007-8. The Committee considered almost 50 written submissions, took oral evidence from around 30 organisations and produced a report containing 47 cross-departmental recommendations, many of which have been taken forward. In 2009-10, the Committee completed an inquiry into the Assembly's **Consideration of European Issues**. This has resulted in the establishment of a European Advisory Panel to allow the Committee to discuss European issues with MEPs and other key stakeholders. A further development from the Inquiry is the appointment of an Assembly-based European Project Manager to examine and report on the options for the effective scrutiny of European Issues in the Assembly.

The Enterprise, Trade and Investment Committee conducted an inquiry into the **role and potential of credit unions** in 2008-9. Recommendations were welcomed by the Department and endorsed by HM Treasury in London. Resultant changes in legislation allow Credit Unions to offer members a wider range of services.

During 2009-2010, the Committee commenced a renewable energy inquiry entitled, "**Barriers to the Development of Renewable Energy Production and its Associated Contribution to the Northern Ireland Economy**". The purpose of the inquiry was to critically examine the current level of support and assistance to the renewable energy sector. Key conclusions and recommendations from the report centred on issues such as vision and policy; incentives and support for businesses; support for the development of renewable energy technologies; grid connection and grid infrastructure; planning and consent; and the use of renewable energy in public buildings. In May 2011, the Department responded to the Committee, accepting a majority of its recommendations. The Committee continues to scrutinise the Department's implementation of the recommendations.

Following an inquiry into **Town Centre Regeneration** (2009), by **the Social Development Committee**, the Department adopted several Committee recommendations, including development of a new framework for regeneration and method of evaluating policy effectiveness .

Given the difficulties and problems faced by victims and witnesses when they came into contact with the criminal justice system **the Justice Committee** agreed in June 2011 to conduct an Inquiry into the **Criminal Justice Services available to Victims and Witnesses**

of Crime. The aim was to identify outcomes that the Department of Justice's proposed new strategy for victims and witnesses of crime should deliver and make recommendations on the priorities and actions that needed to be included in the plan to achieve these.

Following detailed evidence gathering and direct engagement with criminal justice organisations responsible for delivering services, and individual victims and witnesses and their families, the Committee's Report (June 2012) made 30 wide-ranging recommendations. Key recommendations included the establishment of a Victim and Witness Charter providing statutory (legal) entitlements, mandatory training for all staff who interact with victims and witnesses, support for the introduction of Witness Care Units, the introduction of a minimum waiting time for witnesses, a statutory (required by law) case management system to help ensure cases are dealt with as swiftly as possible, improved methods of communication with victims and witnesses, accountability mechanisms to measure services provided to victims and witnesses, and improvements to the physical environment available within courthouses.

Following endorsement of the findings and recommendations in the report by the Assembly, the Minister of Justice accepted 24 of the 30 recommendations in full and the other 6 in principle. The majority of the recommendations will be delivered in the first two years of the new five-year Victim and Witness strategy which has now been agreed, with the necessary legislative changes to be taken forward in the **Faster, Fairer Justice Bill** due to be introduced into the Assembly in June 2013.

The Culture, Arts and Leisure Committee held an inquiry into **barriers to participation in sport and physical activity** in 2009-10. The aim was to identify and analyse barriers and to consider solutions that would increase participation levels.

The Committee came to the conclusion that the Executive needs to champion participation in sport and physical activity and ensure that all relevant Departments are assigned targets for facilitating participation opportunities under the Programme for Government. A key recommendation was that that the Department of Health, Social Services and Public Safety should invest more of its budget in preventative health measures which involve participation in physical activity. Other cross-departmental recommendations included the following: that the Department of Education review its PE programme; that the Department of Regional Development improve safety on cycle lanes; and that the Department of Enterprise Trade and Investment work with employers in encouraging physical activity among employees.

The Committee strongly recommended that all government departments, agencies and schools maximise the use of facilities to encourage physical activity in the community. While

the inquiry focused on adults, the Committee recognised that more needs to be done by schools and sports clubs to encourage participation from a young age.

The NEET (Not in Education, Employment or Training) Inquiry Report was ordered to be printed in December 2010 and the Committee was commended by the Minister for Employment and Learning for the work it carried out in conducting the inquiry. The Committee made 41 recommendations, which related to the activities of a number of other Departments. These assisted the Department to develop a cross Departmental approach on the issue. The Department's consultation document on the issue encompassed the thrust of the recommendations made by the Committee. The NEET issue is still a matter which is closely observed by the Committee and it always endeavours to make progress on the problem through its work.

The Committee is currently conducting its **Inquiry into Careers Provision** in Northern Ireland with a view to making recommendations for actions to improve the service.

The Environment Committee agreed to conduct an inquiry into the management of **used tyres** (June 2011) because members were concerned that the number of old tyres being dumped illegally was increasing in Northern Ireland and there had been a number of fires involving tyres that produced toxic smoke. The most recent statistics on used tyres were over 10 years old. As soon as the Committee agreed to inquire into the issue, the Department announced that it would commission a new survey of used tyre disposal.

This demonstrates how committees can apply pressure on departments indirectly by focusing on, and drawing attention to, areas of a department's remit that are causing concern. These concerns are usually brought to the Committee's attention by members of the general public, either directly or through the individual member MLAs.

The Committee continued with its inquiry and produced an interim report that made 20 recommendations to the Department. The Department agreed to implement some of the recommendations and produced a Used Tyre Action Plan.

When the Department completed its survey in March 2013 the Committee reviewed its recommendations and was satisfied that 8 of them had been adequately addressed. However, it reconsidered and revised the other 12 recommendations which it felt were still necessary to address problems with used tyres. In particular, the Committee remained concerned about the lack of traceability of tyres coming into Northern Ireland. The Committee will use the evidence it has gathered to urge the Department to introduce a scheme requiring all sectors in the used tyre chain to register with a scheme to improve traceability.

In 2009-10, **the Agriculture and Rural Development Committee** undertook an inquiry into the **dioxins incident**, when pigs and pork products were withdrawn from the markets in Northern Ireland and the Republic of Ireland following the discovery of contaminants in pig meat. The Committee concluded that there were severe weaknesses in respect of processes used and communication between the two jurisdictions, and in terms of the financial aid package offered to Northern Ireland farmers severely impacted by the incident. As a result of the inquiry, an improved policy of communication between jurisdictions has been established for use in the event of a similar incident.

In 2012, the Committee undertook an inquiry into **Bovine Tuberculosis**. Its report with recommendations was debated in the Chamber in November 2012 and the Committee awaits the Minister's written response. The review focused on what preventative measures should be in place to reduce the risk of infection and help eradicate this disease.

The Committee is currently nearing the end of its **review into Tree Disease**, looking at the approach and policies of DARD and Forest Service on plant health and biosecurity.

The Committee has undertaken a number of evidence sessions with stakeholders including both the public and private sectors. On completion of its evidence gathering, the Committee will take its findings to the Assembly floor for debate in June 2013.

The Committee for Finance and Personnel carried out a highly influential **Inquiry into Public Procurement** in 2009-10. Every year central and local government spend nearly £3 billion buying goods, works and services through a process called procurement. The Committee made over 40 recommendations to the Department of Finance and Personnel for improving government purchasing, with the aim of maximising the economic and social benefit for the local community. Most of the proposals were accepted by the Department and are being implemented, including measures to make it easier for small businesses to compete for government contracts. Also, the Executive's Programme for Government (PfG) and Economic Strategy in relation to public sector contracts for supplies, services and construction now include requirements to include social clauses which will, for example, require contractors to employ more apprentices or provide student placements.

Also in 2009-10, the Committee did an inquiry into the **role of the Assembly in scrutinising the Executive's budget**. This made a number of recommendations to ensure that committees are provided with sufficient information by departments and have enough time and resources to robustly examine the Executive's budgetary proposals and expenditure. Strong oversight by Assembly statutory committees of government departments' budget planning and implementation will help ensure that the Executive's strategic priorities are delivered effectively

and efficiently and will also enable problems to be identified early enough to allow for corrective action to be taken, thereby reducing the risk of departments being subject to future criticism by the Public Accounts Committee.

The Committee for Education carried out an **Inquiry into Successful Post Primary Schools Serving Disadvantaged Communities** in 2011, in which it sought to identify the key factors in such schools' success. The Committee made 16 Recommendations which were accepted by the Assembly in a debate on the Inquiry Report in March 2011. The Department of Education's formal response to the Inquiry stated that the Minister of Education "*is committed to taking the [Inquiry's] recommendations into account.*" The Committee followed up on the Inquiry Report with a briefing from departmental officials in December 2011.

The Committee's most recent inquiry was into **School Councils**. In response to the Committee's report, the Department is to issue guidance to schools on this matter. The Committee intends to undertake further Inquiries as the legislative programme permits.

The Committee for Regional Development has been involved in three inquiries in the period 2011 – 2013. The first looked at **unadopted roads** (not the responsibility of government to maintain) in housing developments and made several recommendations, including the creation of a Customer Charter for first time home buyers. The second inquiry looked at **ways to integrate community, public, health and education bus provision**. The final inquiry is looking at **transport delivery structures** and will recommend means of providing a better bus and rail service for people in Northern Ireland.

Inquiries by **the Committee on Procedures** tend to be quite different to those undertaken by Statutory Committees, simply because of the remit of the Committee itself, as stated in Standing Orders (rules of the Assembly). Its inquiries tend to be inward facing, primarily affecting the running of business in the Chamber. In these inquiries stakeholders are usually within the Assembly (political parties and independent representatives, the Business and Bill Offices, and the Speaker), rather than the external (departments and general public) stakeholders identified in inquiries undertaken by Statutory Committees.

Inquiries arise as a result of correspondence from the Speaker, other Committees, or from motions agreed in the Assembly itself on a specific issue identified with one of the processes described within Standing orders.

The Committee on Procedures has undertaken two major inquiries so far in this mandate. The first resulted in the **creation of the post of Principal Deputy Speaker** (PDS) and election of

the first PDS in the Assembly. The inquiry arose as a result of one of the first items of Assembly business of the new mandate in May 2011. The Assembly agreed that there would be a Principal Deputy Speaker (PDS) and instructed the Committee on Procedures to table the necessary amendments to Standing Orders as its first priority.

The Committee commissioned comparative research of the roles and responsibilities of PDSs in other legislatures; took legal advice and sought evidence from political parties, independents and officials within the Assembly. It provided details of its consideration in a report to the Assembly, which provided the necessary background information in support of the proposed amendments to Standing Orders.

The second example of an inquiry was initiated on the basis of a suggestion from one of the Committee members on the possible introduction of **Topical Questions**, which would allow MLAs to ask questions during Question Time without giving notice of up to 3 weeks.

These questions would be in addition to those currently asked with advance notice to allow for answers to be prepared. Topical questions would enhance scrutiny of Ministers and their Departments. As the impact of this change to Standing Orders would be felt by Ministers as well by MLAs, the inquiry sought views from the Executive Committee as well as from Assembly stakeholders.

The inquiry report was unanimously agreed by the Assembly and the drafting of new Standing Orders is under way. Once finalised, Ministers will have to be very up-to-date on all the issues within their area of responsibility.

The Assembly and Executive Review Committee is also **not** a statutory committee. It was established under to review matters relating to the functioning of the Assembly and the Executive.

The Committee recently carried out a '**Review of the Number of Members of the Northern Ireland Legislative Assembly and of the Reduction in the Number of Departments**' as part of its review of Parts III and IV of the Northern Ireland Act 1998. During this Review the Committee met on 26 occasions from September 2011 until November 2012, during which it considered written and oral evidence from a range of individuals and organizations. The Committee also considered the views of the First and deputy First Minister, and the leaders of all the political parties represented in the Assembly. It published its report in two stages. Part 1 dealt with the number of Members of the NI Assembly and was debated on 26th June 2012. Part 2 examined the possibility of a reduction in the number of departments. This report, debated on 10th December 2012, identified some areas of commonality regarding how NI Departments could be reorganised and agreed a set of principles that should underpin any

such reorganisation. These are difficult issues and it is the role of the AERC to investigate and report to the Assembly. The Executive parties then have to agree how to move forward.

The Committee is currently undertaking a **Review of D'Hondt, Community Designation and Provisions for Opposition Parties/Non Executive Parties** in the Assembly to assist them to hold the Executive to account and guarantee safeguards and protections to ensure that the institutions operate on an inclusive and power-sharing basis. This Review began in December 2012 and the Committee expects to bring its Report to the Assembly in June 2013.

It was the Assembly and Executive Review Committee which dealt with the issue of **devolution of policing and justice matters**. The Committee undertook an inquiry into the issue between September 2007 and February 2008, taking written and oral evidence from a range of individuals and organisations. Political parties also made submissions. Its report was published on 28 February 2008.

In September 2008 the Assembly asked the Committee to review progress on the implementation of the recommendations in the original report, and on the resolution of outstanding issues. The Committee considered the views of the First and deputy First Minister and the leaders of all the political parties represented in the Assembly and published a report in two stages. The First Report on the Arrangements for the Devolution of Policing and Justice (January 2009) dealt with some, but not all, of the issues that needed to be addressed before a request would be made to transfer policing and justice matters. The Committee's Second Report (March 2010) dealt with matters including the financial implications of the devolution of policing and justice matters; the role of the Attorney General; the arrangements for the appointment, and removal, of judicial office holders; North/South policing and justice agreements; parading; the Public Prosecution Service; and the Justice Minister's position in the Northern Ireland Executive. Following the Hillsborough Agreement in February 2010, Policing and Justice powers were devolved to the Assembly in April 2010.

The issues dealt with by the AERC are of great interest to students of Politics. The Committee Reports, debated by the Assembly are available on the Assembly Website at <http://www.niassembly.gov.uk/Assembly-Business/Committees/Assembly-and-Executive-Review/Reports/>. You can read the debates on the Official Report pages of the site.

Committee Motions for Debate

While most motions debated in the Chamber are tabled by named MLAs, Committees can also table motions for debate. The Agriculture and Rural Development Committee tabled a motion for debate in October 2012 relating to the on-going "Farming Crisis" in Northern Ireland. The motion called upon the Minister to bring forward initiatives to alleviate the short-term financial

pressures on farmers. The Committee is now looking into this issue and has requested written and oral evidence from a range of stakeholders.

Recently, the Committee has paid a great deal of attention to the issue of beef products being contaminated with both horse and pig DNA. The Committee joined with the Committee for Health, Social Services and Public Safety to consider this problem, taking evidence from the Department, the Food Standards Agency and other stakeholders. As this is an important issue at both a local and European level, it is an area that the Committee will keep monitoring and asking questions on.

Committees often use innovative ways to engage with stakeholders and gather evidence.

The Agriculture and Rural Development Committee held a meeting in the Assembly's marquee at the Balmoral Show (May 2010), where it took evidence from representatives from the Ulster Farmers Union, Northern Ireland Agricultural Producers Association, residents affected by A6 and A8 road dualling plans, and from officials from the Department. In the afternoon, a Q & A panel session with members of the Committee, facilitated by Eamonn Mallie, attracted over 900 people over a 2 hour period. Since then, Assembly Committee meetings are held every year at the Balmoral Show.

The Committee for Employment and Learning has been very active and innovative in the ways it has engaged with stakeholders and gathered evidence. The Committee has held showcase events for the University of Ulster, Queen's University, Belfast and the Open University in the Long Gallery to inform the Assembly of the work of the Universities. The Committee held a speed dating event in which a number of organisations presented their views on the Dissolution of the Department for Employment and Learning. The Committee has been very visible throughout Northern Ireland holding a number of external meetings and visits in a number of locations, in particular, Armagh Planetarium, Southern Regional College and South West College. The Committee conducted a study visit to Geneva accompanied by a number of stakeholders. While there, they visited the International Labour Organisation, the University of Geneva and CERN. The Committee has held a number of video conferences with Brussels. As part of its Inquiry into Careers Provision in Northern Ireland, the Committee conducted an online survey for young people to provide their views on the issue of careers provision and it received an overwhelming response.

The Committee for Justice During its Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime in Northern Ireland, the Committee held two oral evidence

events, one in the Millennium Forum in Derry/Londonderry, to hear evidence from advocacy/victims' representative organisations and the other in the Lagan Valley Island Centre, Lisburn, to explore directly with the PSNI, the Public Prosecution Service, the Compensation Agency, the Department of Justice, the Northern Ireland Courts and Tribunals Service, and the Probation Board, the issues raised by victims' representative groups and individuals with whom the Committee had met. This approach enabled the Committee to explore the issues and experiences of victims and witnesses in depth and then discuss/challenge the Criminal Justice organisations directly on the services they were delivering and the specific issues raised.

The Regional Development Committee consulted young people to find out their views on using public transport, as part of its Inquiry into Sustainable Transport. The young people, part of Youth Action's Community Leadership Programme, launched their report, 'Transport Matters' in the Long Gallery in January 2011. Its findings were based on peer research. In addition to a plenary style discussion, the young people staged a drama performance of the key messages in the report.

The Committee visited Rathlin Island to look into the challenges faced by islanders and opportunities for developing and growing tourism. The study visit concluded with an 'open house' event for islanders to meet with members to discuss their vision and priorities for the future. The Committee held a formal meeting on the Enterprise train while travelling to Dublin. The Regional Development Committee was the first committee to attend stakeholder events in the European Parliament, which proved to be particularly important as it allowed our unique rail and road requirements to be communicated at the very outset of the developing of European policy in this area.

Members of **the Enterprise, Trade and Investment Committee** engaged in a video conference with pupils from Lurgan College in March 2010 in Parliament Buildings. This was the first example of this type of engagement, which involves a telephone conversation combined with a live video feed. The students asked questions relating to the economy and energy issues.

The Social Development Committee held a Fuel Poverty event in November 2011 to identify solutions to this problem. Over 90 stakeholders attended this event including 8 statutory committee chairs, demonstrating the cross-cutting nature of the issue.

The Committee produced a report on the issue in May 2012 which focussed on the process of taking forward the solutions identified on the night. This was based on stakeholders being part of thematic action groups that would evaluate and develop solutions to fuel poverty in a

strategic way. The Department adopted this approach and is currently finalising action plans to implement identified solutions.

The **Housing** Strategy for Northern Ireland has recently been published and action plans are expected soon. In addition, the reform of the Housing Executive has also been announced. Given the potential extent of the changes envisaged, the Committee hosted an event in March 2013 to identify key housing issues that it needed to incorporate into its work programme. In essence this was an opportunity for stakeholders to influence the Committee's work programme in respect of housing over the next 12 to 18 months.

In June 2013, the Committee will hold an event on the specific issue of **housing repossessions**. Expert speakers will make presentations on the housing situation in Northern Ireland approaches taken in other jurisdictions to the problem of housing repossession. This will be followed by a discussion on how to move forward on this issue.

The Committee is also giving thought to how stakeholders can be more closely involved in policy scrutiny and development, for example by the commissioning of reports, with significant Committee oversight, from an expert group of stakeholders. However, this is at an early stage of discussion.

A note about the Public Accounts Committee (PAC)

The Public Accounts Committee holds senior government officials to account for the spending decisions that they have made and, through this process, ensures that there is a better delivery of services to the taxpayer. It has had a significant impact in a number of areas:

Criminal Legal Aid – When PAC examined this vital part of the justice system in September 2011, it was one of the most expensive of its kind in the world. Since the PAC report, annual spending on criminal legal aid has fallen by around £15m.

Use of Consultants - The Committee has reported twice on this issue. Total annual consultancy expenditure has fallen from £31.84 million when we first reported in 2007-08 to £9.33 million in 2011-12. This represents a 70 per cent reduction.

The Uptake of Benefits by Pensioners –The Committee has highlighted the important role of the benefit-paying agencies in reducing poverty levels among pensioners. As a result, future strategies to target pensioners eligible for benefits will involve data-sharing and joint working

with the voluntary and community sectors in order to increase the number of pensioners who receive those benefits to which they are entitled.

Patient Safety – The Committee highlighted that, while the vast majority of services provided by Health and Social Care Trusts are of a very high quality, patients have suffered as a result of largely preventable incidents. The Committee found that, between July 2004 and March 2012, there were over 2,000 serious adverse incidents reported in the health and social care service. The Committee's scrutiny of this issue should lead to a reduction in this number. The issue of patient safety also carried through into a review of the **use of locum doctors**, where the Committee found weaknesses in how Health Trusts screen and induct locums and put pressure on Trusts to improve their procedures and performance in this area.

In a review of the **Housing Executive**, PAC found that the Housing Executive had failed in its duties to efficiently manage and be accountable for the services it provided. Contracts were out of date and not fit for purpose. Many District Maintenance teams were not delivering the required standard of service and this was not being picked up by the inspection process. The Committee concluded that the quality of service provided to tenants was simply unacceptable. The Committee's scrutiny is expected to have a huge impact on the provision of social housing in the North.

National Fraud Initiative 2010 – Working with the Audit Office, PAC has continued to champion the NFI. Total savings from the 2010 exercise were around £21 million, including £13 million of rates evasion, £5 million of housing benefit fraud and overpayments and £2 million of pension fraud and overpayments. Since its introduction in 2008, the NFI has saved the public purse nearly £25 million in Northern Ireland.

Education - In education, the Committee highlighted the plight of newly qualified teachers unable to get a job. As a direct result of the Committee's work, the system for employing temporary teachers has been overhauled and in the process, the Department of Education has managed to save nearly £5m.

Road Safety – Since an Inquiry into Road Safety, fatalities on the road has fallen from 113 in 2007, to 59 in 2011 and down to 48 in 2012. This was the lowest number of deaths on Northern Ireland's roads since records began in 1931. The Committee believes that its work in this area has played some part in this reduction.

Conclusion

There is much evidence that committees have a positive impact on the policies and practices of the Executive across all work areas, from legislation to budget scrutiny and policy development. This level of scrutiny and potential for locally elected politicians to shape policy and legislation was not a feature of 'Direct Rule' government. Committees have also worked on Private Members' Bills, 3 of which were passed by the Assembly in the 2007-11 mandate.

For further information on Committees and examples of their impact, go to the 'Committees of the Assembly' page on our web-site:

Find out More

Go to the Committee pages of the Assembly website

<http://www.niassembly.gov.uk/Assembly-Business/Committees/>

Watch our Education Service Video on Committees and hear about the work of Committees from Committee Chairs.

http://education.niassembly.gov.uk/post_16/the_work_of_the_assembly/scrutinise/committees

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