

**13 December 2021**

## **241<sup>st</sup> COMMISSION MEETING**

### **Held via Teams**

**Present:** Alyson Kilpatrick, Chief Commissioner  
Helen Henderson  
Jonathan Kearney  
David A Lavery CB  
Eddie Rooney

**In attendance:** David Russell, Chief Executive  
Lorraine Hamill, Director (Finance, Personnel and  
Corporate Affairs)  
Rhyannon Blythe, Director (Legal, Research and  
Investigations, and Advice to Government)  
Éilis Haughey, Director (Human Rights after EU  
Withdrawal)  
Margie McKay, Boardroom Apprentice

## **1. Apologies and Declarations of Interest**

- 1.1 Apologies were received from Commissioner Stephen White, Director Claire Martin (Engagement and Communications) and Rebecca Magee, Personal Assistant to the Chief Commissioner and Chief Executive.
- 1.2 There were no declarations of interest.

## **2. Minutes of the 240<sup>th</sup> Commission meeting and Minutes of the Special Commission meeting**

- 2.1 The minutes of the 240<sup>th</sup> Commission meeting held on 29 November 2021 were approved.

**Action: Minutes of the 240<sup>th</sup> Commission meeting to be uploaded to the website.**

2.2 The Minutes of the Special Commission meeting held on 3 December 2021 were agreed as an accurate record.

**Action: Minutes of the Special Commission meeting to be uploaded to the website.**

### **3. Legal Application for Assistance**

3.1 The Commission had received an application for legal assistance (MMcM) regarding a person who had not been accommodated by the NI Housing Executive despite his homelessness and entitlement to an offer of accommodation. The Chief Commissioner provided some additional background on the legal status of the applicant and on her consultation with independent counsel. .

3.2 Commissioners noted that a written legal opinion was awaited on the merits of a possible judicial review challenge. It had been hoped that the opinion would have been received prior to the Commission meeting to allow Commissioners to fully consider the merits of making a challenge but the Chief Commissioner was able to provide an initial indication based upon counsel's oral advice in consultation.

3.3 It was agreed that if counsel advised in writing that the relevant criteria were met for success on such a challenge, the Commissioners would consider the application in detail including the strategic importance of such a case. It was noted that a decision would likely have to be taken quickly Commissioners agreed that could be done either by a special meeting of the Commission or further to email exchange and approval sought.

**Action: Counsel's Opinion to be provided to Commissioners and if advised to take legal action a new Legal Application for Assistance will also be provided for consideration, either by Special Commission meeting or by email.**

### **4. Any Other Business**

- 4.1 It was noted that the Chief Commissioner and Commissioners had a constructive meeting with Madeleine Alessandri, Permanent Secretary, Northern Ireland Office. Funding had been discussed and it was agreed that a paper would be provided to the Permanent Secretary to better elaborate the impact of the proposed budget cuts on the core functions of the Commission.
- 4.2 It was agreed that the Chief Executive would draft a narrative paper setting out the priorities for the Commission and the likely impact upon our capacity to discharge our statutory obligations. Commissioners Lavery and Rooney agreed to meet with the CEO to discuss that paper and consider recommendations for the Commission. Thereafter, the Chief Commissioner will be briefed and the matter returned to the Commission no later than 6 January 2022.

**Action: Funding paper to be drafted and meeting to be arranged with Commissioners Lavery and Rooney and the Chief Executive with a follow up meeting to include the Chief Commissioner.**

- 4.3. It was noted that the Chief Commissioner is due to meet with the Secretary of State for Northern Ireland directly after the Commission meeting.
- 4.4 The Chief Executive provided an update regarding the Commission's position following deferral of its re-accreditation.
- 4.5 Commissioner Rooney provided an update on the recent Audit and Risk Management Committee meeting, which included:
- Audit and Risk Assurance Committee Effectiveness Checklist which raised two main issues – training and cyber and security risks
  - More formalised feedback to Commission meetings
  - A satisfactory assurance on the recent internal audit
  - Updates that had been made to the Commission's risk register
- 4.6 A further meeting will discuss the Commission's Strategic

Plan. It was agreed that 6 January 2022 suited all Commissioners who would meet face to face save for Commissioner Kearney who would attend remotely via Teams.

**Action: Rebecca Magee will confirm arrangements for the Strategic Planning meeting.**

The meeting closed at 11.35am.