

**The Office of the First Minister
and Deputy First Minister**

Machinery of Government Division

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From: Geoff Beattie **cc:** See below

Date: 21 January 2004

To: PS/ Baroness Amos

Subject: Meeting with the Lord Laird re Parliamentary Questions

Timing: Urgent. Meeting is scheduled for today, 21 January 2004 at 6pm.

Recommendation: Baroness Amos is asked to note the attached background material and line to take.

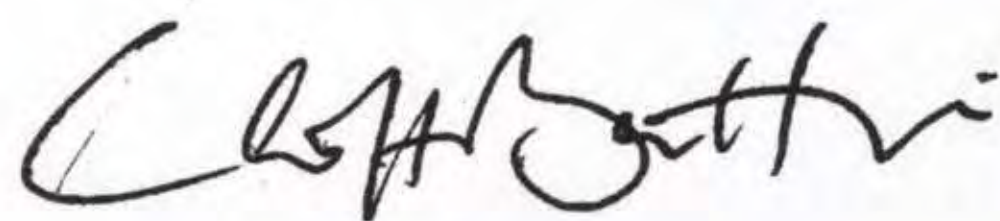
Detail

1. I understand that Lord Laird is meeting with Baroness Amos to discuss the handling of NI Questions. Lord Laird may have two areas of concern:
 - (i) the timing and content of the answers that have been provided to him over the past year since suspension of the devolved institutions; and
 - (ii) most recently the refusal by the Table Office to accept three "pursuant" questions tabled by him on the grounds that the Minister had already confirmed that she had nothing further to add to her previous answers.
2. I attach background material on both of these matters. I would not recommend the Minister to get drawn into a detailed discussion on any of the range of issues that might be raised by Lord Laird, this information is intended more as a personal aide memoire. Also attached are a few lines to take, which reflect the legitimacy of Lord Laird's scrutiny of administration in Northern Ireland and our willingness to respond as quickly and fully as possible.

North/ South matters

3. Lord Laird's questions on North/South matters are repetitive, predominantly cross-department, often include accusations about the role of the Irish government and have in a number of cases been critical of civil servants to the extent of naming them. In particular, he has frequently used the medium of Parliamentary Questions to raise detailed issues in connection with the budget of the Language Implementation Body. Lord Laird is Chairman of the Ulster-Scots Agency, one of the Language Body's two executive NDPBs.
4. These questions require a considerable amount of officials' and Ministers' time in the preparation and approval of answers. This has, unfortunately, resulted in a higher than usual percentage of late answers. In response to the pressures arising from responding to these questions we have allocated additional staff resources specifically to the answering of PQs on North/South matters, the vast bulk of which are from Lord Laird.
5. The attached briefing provides information on Lord Laird's tabling of questions in the past year, his areas of interest to date and more detailed briefing on the budget for the Language Implementation Body
6. Immediately following his meeting with the Lord President, Lord Laird is due to meet Angela Smith, Parliamentary Under-Secretary at the Northern Ireland Office. The meeting, at Lord Laird's request, will cover such issues as the budget of the Ulster-Scots Agency (both for this year and last); recruitment to the Agency; and Government funding for *On Eagle's Wing*, a musical production about the Ulster-Scots people. I am, therefore, including Angela Smith on the copy list for this note.

I am glad to discuss,



GEOFF BEATTIE

Copy list

PS Angela Smith

Nigel Hamilton

Rosalie Flanagan

Neill Jackson

Stewart Johnston

Deirdre Griffith

Gail McKibbin

Alan Whysall

NIO Parliamentary Section

DCAL Private Office

Eoin McFadden

LINES TO TAKE

- Recognise your interest in a very great range of matters in Northern Ireland, particularly the operation of North/ South Bodies.
 - Very happy to respond to your Parliamentary Questions as quickly and as fully as is possible. It may perhaps be helpful to meet Ministers and officials face-to-face, and I know that Angela Smith has agreed to meet you later tonight.
 - Some of your questions require a number of departments and agencies to liaise on a response and this has caused delays, but we are working to reduce these delays to the minimum.
 - In the case of the three Questions that were not accepted by the Table Office, there really was nothing further that the Government could add – and that was made clear in the previous answers. Again, I am sure that Ministers and officials of the departments involved would be happy to discuss the issues involved, face-to-face.
- The Budget of the Language Implementation Body
 - North-South Implementation Bodies in general
 - Northern Ireland's contribution to the European Union
 - Peace-keeping for Northern Ireland
 - Ulster Scots
 - Peace-keeping for Northern Ireland
 - Ulster Scots
 - Educational links with Scotland on Ulster Scots issues
 - Treatment of Ulster Scots under the Good Friday Agreement
 - The Equality agenda
 - Anti-discrimination Legislation
 - NI rail service
 - NI bus service
 - NI Health Service
 - Smoking rooms in the Hospitals and Government Buildings
 - Speeding convictions
 - Hare Coursing
 - Pollution of the Coonswater River
 - Car parking in the Stormont Estate
 - Time taken to answer PQs

GENERAL BRIEFING

During the 2002-2003 Parliamentary Session Lord Laird asked 701 written questions across all Whitehall Departments. The next most frequent tabler of Questions was Lord Lester of Herne Hill who had tabled 259 written questions in the same period.

From 16 October 2002 to prorogation at 20 November 2003, the 11 Departments of the Northern Ireland administration handled 2,410 PQs including 615 which were tabled in the House of Lords. Lord Laird has asked 532 questions equating to 85% of all Lords questions. Topics have ranged across a wide range of issues but have primarily focused on North South Bodies and Ulster Scots issues.

For example in the month before prorogation the NI administration received 87 Lords Questions including 79 from Lord Laird of which 44 (56%) were on the Language Body or other North/South Issues.

Topics raised By Lord Laird have included:-

- The Budget of the Language Implementation Body
- North/South Implementation Bodies in general
- Role of Special Advisers attached to OFMDFM (or NSMC)
- North/South Ministerial Council transparency
- Peace II funding for Ulster Scots bodies
- Ulster Scots Education
- Parity of esteem for Ulster Scots and Irish
- Ulster Scots Cultural Tourism
- Adding Ulster Scots into the NI curriculum
- Educational links with Scotland on Ulster Scots Issues
- Treatment of Ulster Scots under the Good Friday Agreement
- The Equality agenda
- Anti-discrimination Legislation
- NI rail service
- NI bus service
- NI Health Service
- Smoking rooms in the Hospitals and Government Buildings
- Speeding convictions
- Hare Coursing
- Pollution of the Connswater River
- Car parking in the Stormont Estate
- Time taken to answer PQs

NORTH/SOUTH ISSUES - EXCHANGE OF NOTES

- Under the terms of the Northern Ireland Act 2000 the North-South Ministerial Council may not meet during suspension; however the North/South Implementation Bodies and Tourism Ireland Limited retain their statutory functions.
- The British and Irish Governments have, by an exchange of letters on 19 November 2002 (Cmnd 5708) made arrangements to ensure that they can for the present continue to provide their important public services, but on a care and maintenance basis, taking on no additional functions.
- This is a technical arrangement to allow the routine and day-to-day operational work of the North/South Implementation Bodies and Tourism Ireland to continue during suspension. It allows the two Governments to take any decisions that are necessary in this regard eg approval of budgets of the bodies, staffing, appointment of Board members etc.
- Undertaken given through the joint statement by the British and Irish Governments on the clarification on the exchange of notes of 19 November 2002, that David Trimble and Mark Durkan (as former First Minister and Deputy First Minister) are consulted through their Advisers on decisions to be taken under these interim arrangements. However, decisions are taken by the two Governments following consideration of comments by David Trimble and Mark Durkan.

Department of Finance and Personnel is aware of a request for a reduction in the Northern Ireland provision to maintain the existing ratio and were advised that this would be the case. DFP advised the actual Northern contribution to the 2003 Budget on 12 December 2002. Both Agencies were advised in writing of the recommended provision for 2003 on 14 February 2003.

Lord Laird has indicated that the reduction amounted to 16%. The Language Body's allocation for 2003 of £11.33m (£17.5m euro) compares with an actual 2002 Budget provision of £11.97m (£20.25m euro). It is believed that Lord Laird's determination of a 16% reduction is based on a comparison of the 2003 actual Budget allocation against the indicative 2003 Budget provision - £12.64m (£21.40m euro) (as agreed by NSMC in 2001) as expressed in Table 1.

NORTH/SOUTH LANGUAGE BODY – BUDGET

- The Department of Culture, Arts and Leisure (DCAL) in Northern Ireland and the Department of Community, Rural and Gaeltacht Affairs (DCGRA) in the South are joint sponsor departments for the North/South Language Body. They are in regular contact about matters relating to the North/South Language Body. The Language Body comprises two agencies – the Irish Language Agency and the Ulster-Scots Agency.
- Department of Community, Rural and Gaeltacht Affairs (DCRGA) advised officials and representatives of the two Agencies of the Language body of the possibility of a reduction in its provision for the Body on 11 September 2002. There was some reluctance among representatives of the Body to accept that a reduction in the indicative provision which had been agreed by NSMC, in Institutional Format, in December 2001 would happen even though the Draft Estimates were being considered against the background of a drive to reduce public sector spending in ROI.
- DCRGA officials advised DCAL officials on 12 November 2002 that the Southern contribution for the 2003 Budget for the Language Body would be £7.82m compared to £8.27m in 2002. By agreement between the two Departments DCRGA advised the Irish Language Agency of the reduction shortly after the Draft Abridged Estimates were published on 14 November 2002 and DCAL advised the Ulster-Scots Agency.
- Officials from the Department of Culture, Arts and Leisure contacted Department of Finance and Personnel to ascertain if a reciprocal cut would be made in the Northern Ireland provision to maintain the funding ratio and were advised that this would be the case. DFP advised DCAL of the actual Northern contribution to the 2003 Budget on 12 December 2002. Both Agencies were advised in writing of the recommended provision for 2003 on 14 February 2003.
- Lord Laird has maintained that the reduction amounted to 16%. The Language Body's allocation for 2003 of £11.33m (17.99m euro), compares with an actual 2002 Budget provision of £11.97m (20.28m euro). It is believed that Lord Laird's determination of a 16% reduction is based on a comparison of the 2003 actual Budget allocation against the indicative 2003 Budget provision - £12.64m (21.40m euro) (as agreed by NSMC in 2001) as expressed in Euro.

- A decision paper for increased budget provision for the Language Body (on the basis of revised business plans provided by both Agencies of the Body) was signed by Ministers North and South on 6 November 2003, under the exchange of notes of 19 November 2002.
- The 2004 budget process for the Language Body has not yet completed all of its stages. Lord Laird is therefore not aware of the proposed budget.
- We are proposing a budget based on last year's revised figure, together with an inflationary uplift. This is in line with the care and maintenance mode in which cross-border bodies are currently operating under Direct Rule.
- The Ulster-Scots Agency originally submitted a business plan for 2004 based on a virtual doubling of its funding, and Lord Laird will therefore be disappointed when he sees what the Agency will actually get.
- However, the Agency's CEO, George Patton, was told at a meeting in October that while the 2004 budget had not yet been set, he should plan on the basis of the revised 2003 budget plus an inflationary uplift.

REQUEST TO PLACE DOCUMENTATION IN THE LIBRARY

- Lord Laird has frequently asked for all documentation including e-mails, letters memoranda and minutes of meeting concerning discussions in relation to the Language Body budgets and decisions made by Ministers under the Exchange of Notes of 19 November 2002.
- The Secretary of State agreed that only the record of decisions (extracted from Interim procedures papers which were signed by the Ministers) would be placed in the Library. This is done at regular intervals.
- The rationale for not releasing all the papers is that a total compliance with the request would, in practice, include papers held by sponsoring departments of the 6 Implementation Bodies and Tourism Ireland Limited, Finance Departments and NSMC Secretariat. The papers held by Departments and the Secretariat, in addition to the Interim procedures papers, contain internal discussion, policy advice to Ministers and views of officials, which it will not always be appropriate to make public under exemption 2 (internal discussion and advice) of Part 2 of the Code of Practice on Access to Government Information. However to determine which parts of these documents it would be appropriate to release would require a commitment of a significant amount to staff time.