

**SUMMARY OF MINUTES OF THE THIRTY-SEVENTH MEETING OF THE  
NORTHERN IRELAND AUTHORITY FOR ENERGY REGULATION (the  
Authority) HELD ON WEDNESDAY 22 NOVEMBER 2006**

<b>Present:</b>	Dr Peter Matthews Ms Etain Doyle Mr Jim Oatridge Mr Clive Elphick Mr Christopher Le Fevre Mr Philip Johnson Mr John Gilliland Mr Iain Osborne	Chairman       Chief Executive
<b>In attendance:</b>	Mr Dermot MacCann Mr JP Irvine  Ms Briege Tyrrie Ms Anne McNulty	Deputy Chief Executive In-house legal counsel (for part of the meeting only)

**1. APOLOGIES FOR ABSENCE**

None.

**2. DECLARATIONS OF INTEREST**

John Gilliland declared he is a contractor for the Water Service.

**3. MATTERS ARISING – FOI (Section 36) – WATER**

The Authority agreed that it was keen to establish a good working relationship with the General Consumer Council after the completion of the Judicial Review process.

Turning to the specific matter of the four Freedom of Information requests made of the Authority by Consumer Council on 19<sup>th</sup> October 2006, the Authority first listened to the reports of the executive team closely involved in water matters. The Authority exchanged views on the 90 items being withheld at this time. The members of the Authority collectively (a “qualified person” for the purposes of the Act), confirmed that it is their reasonable opinion that the disclosure of this information would be likely, inter alia, to inhibit the ability of relevant Authority staff working on water reform to exchange views on water reform policy, and therefore to prejudice the effective conduct of public affairs.

Members then held an open conversation which weighed up the public interest merits and demerits of disclosing the 90 documents notwithstanding they had decided the items fell squarely within the exemption of section 36 of the Act. Members decided

that any public interest in the disclosure of the information requested (additional to what will be disclosed during public consultations) is likely to be small, and is outweighed by the public interest in Authority staff being able to make comments, exchange viewpoints and take decisions in the context of free, frank and informed discussion of water reform matters within the scope of their responsibilities.

#### **4. RULES OF PROCEDURE & BOARD GOVERNANCE**

It was agreed that a revised document on Rules of Procedure and Board Governance would be presented at the next meeting. It was noted that the Rules of Procedure would be reviewed on an ongoing basis to reflect changes in legislation.

The proposals for board advisory committees and champions were approved (listed below) except that the CEO is to be invited to but not be a member of the Audit committee.

##### Audit Committee

James Oatridge - Chairman  
Christopher Lefevre  
John Gilliland  
Clive Elphick

##### Energy Committee

Christopher Lefevre - Chairman  
Etain Doyle  
Philip Johnson  
John Gilliland  
Iain Osborne

##### Water Committee

Clive Elphick – Chairman  
Peter Matthews  
James Oatridge  
Iain Osborne

##### Board Champions:

John Gilliland and Philip Johnson	Human Resources
Clive Elphick	Environment
James Oatridge	Whistleblower
Chris Lefevre	Vulnerability
Etain Doyle	Cross Utility

## **5. MINUTES OF THE PREVIOUS MEETING**

The minutes were agreed by the Board.

## **6. FORWARD WORK PLAN**

The Authority endorsed the proposed approach and timetable.

## **7. ACTION POINTS FROM OCTOBER MEETING**

The Action Points were circulated and noted by the Board.

## **8. CHIEF EXECUTIVE'S REPORT**

Verbal updates on the water judicial review, the Viridian take-over, Phoenix Natural Gas and SEM were noted. The Board requested that future reports should note the most material instances where the CEO has made use of delegated powers.

## **9. VIRIDIAN TAKE-OVER**

This issue was discussed under previous Agenda item (8) and it was agreed that the Authority's final response to the acquisition, following consultation, should be decided by the Board.

## **10. SINGLE ELECTRICITY MARKET**

It was noted that the serious worries in relation to SEM explained to the board in September about short term price rises had by November largely receded, as fuel input prices had reduced.

## **11. ANY OTHER BUSINESS**

It was agreed that the Terms of Reference of the Audit Committee were to be reviewed annually.

## **12. ARRANGEMENTS FOR DECEMBER MEETING**

It was noted that the Chief Executive will host a drinks reception on 13 December in Queen's House for staff, Board members and industry players. The business meeting will be held on the following day (14 December) in Queen's House with an opportunity for Board members to arrange meetings with Ofreg staff and/or industry players as deemed necessary the following day (15 December).