

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

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

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 19th 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
Clive Elphick
James Oatridge
Chris Lefevre
Etain Doyle

Human Resources
Environment
Whistleblower
Vulnerability
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).