



Minutes of Board Meeting No. 74 (Extraordinary) held on Monday 3 June 2019 at 9:00am, at Charity Commission for Northern Ireland office, Lurgan

Present:

Tom McGrath, Chief Charity Commissioner
Gerald McCurdy, Deputy Chief Charity Commissioner
Steven Cockcroft, Charity Commissioner (Legal)
Kieran Donaghy, Charity Commissioner
Séamus Magee, Charity Commissioner

In Attendance:

Frances McCandless, Chief Executive
Aubrey McCrory, Head of Corporate Services
Punam McGookin, Head of Charity Services

Apologies: Geraldine Donaghy, Charity Commissioner, Myles McKeown, Head of Compliance & Enquiries, Jenny Dougan, Board Apprentice

1. Conflicts of Interest

No conflicts of interest were declared.

2. Chair's Business

The Chair confirmed he had been appointed under a temporary arrangement until the end of July 2019, and the post of Chief Commissioner was being re-advertised by the Department for Communities (DfC).

3. Legal Advice

Commissioners indicated they had reviewed the advice and Stephen Cockcroft (Legally Qualified Commissioner) highlighted aspects of the draft judgement of the High Court on the 16 May 2019, and indicated that he agreed with the legal advice. The Board discussed implication of the ruling for their role given the basis on which they were appointed, and conflicts that may arise in relation to organisational assurance and governance arrangements. A range of consequent effects that could impact on the charity sector were explored. Following discussion, it was agreed to lodge a Notice of Appeal (combined with application for stay) as proposed by Steven Cockcroft and seconded by Gerald McCurdy.

4. Litigation strategy

The CEx updated the Board on the Commission's current litigation caseload in light of the draft judgement of the High Court on 16 May 2019. Consideration was given to the impact on the Commission's work and following discussion the Board approved the litigation strategy as proposed by Kieran Donaghy and seconded by Steven Cockcroft.

5. Establishment of an emergency decision-making committee

The CEx introduced the paper which set out a proposed response to the draft judgement of the High Court on 16 May 2019, and until such time as the issue of delegation is resolved. Commissioners considered how the judgement could be taken forward given current Board capacity without serious impacts on charities or the Commission. Following discussion, the Board approved the formation of an emergency decision-making committee pursuant to Schedule 1 Section 9 of the Charities Act (Northern Ireland) 2008, and a procedure for the operation of the committee, as proposed by Steven Cockcroft and seconded by Séamus Magee.

It was noted this procedure would temporarily replace 'escalation to Board' steps within all existing Board approved regulatory decision-making manuals to deal with emergency decisions which arise. The Chair agreed to seek a meeting with the DfC Permanent Secretary to discuss the Board's response.

AP1: Chair to seek meeting with the Permanent Secretary to discuss the Board's response.

AP2: Change to regulatory manuals to be implemented to reflect procedure for decisions by Schedule 1 Committee.

6. AOB

None.

Meeting ended at 12:50pm