



Northern Ireland
Assembly

Committee for Culture, Arts and Leisure

OFFICIAL REPORT (Hansard)

Internal Governance: Department of Culture,
Arts and Leisure

23 April 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Nelson McCausland (Chairperson)
Mr Gordon Dunne (Deputy Chairperson)
Mr Dominic Bradley
Mr Leslie Cree
Mr David Hilditch
Mr William Humphrey
Mr Basil McCrea
Mrs Karen McKeivitt
Mr Oliver McMullan
Mr Cathal Ó hOisín

Witnesses:

Dr Denis McMahon	Department of Culture, Arts and Leisure
Mr Rory Miskelly	Department of Culture, Arts and Leisure
Ms Cynthia Smith	Department of Culture, Arts and Leisure

The Chairperson (Mr McCausland): Welcome to the meeting this morning. We have with us from DCAL Dr Denis McMahon, the acting permanent secretary; Ms Cynthia Smith, the deputy secretary, and Rory Miskelly, the stadium programme director. If you want to proceed with your initial statement, you can.

Dr Denis McMahon (Department of Culture, Arts and Leisure): Chair, I know that you want to get into questions, so I will keep it short. First, thank you for inviting me along today as the new acting permanent secretary. I very much look forward to working with the Committee in the run-up to May 2016. As I am sure you understand, this is a big period of change for the Department and government as a whole. There is a tremendous opportunity for DCAL — and for the Committee to help us — to determine how the Department's functions will be delivered in the longer term. We are determined to deliver against the Minister's desire that all the good work carried forward to date continues into the new environment.

It is worth talking first a little about internal governance and our approach in the Department. I know that colleagues around the table will be aware of this, but promoting equality and tackling poverty and social exclusion are central to the work of the Department. That is something that we will continue over the coming year. It is a key policy investment framework applied within the Department and sees culture, arts and leisure as something that should be viewed not in isolation but as something that has a much wider impact. Some of the issues that we will touch on today around culture and how important different aspects of culture are will be central to that. All departmental policies and

investments are made in a way that mainstreams and maximises the project and programmes' capacity to address against this agenda. That is something that we constantly focus on.

Obviously, we deal with a lot of arm's-length bodies, and the business cases and business plans need to fit into that. Something I have observed, even in the short time that I have been in the Department, is that there is a lot of emphasis on how arm's-length bodies can support the agenda.

The promotion of equality and the tackling of poverty and social exclusion (PETSE) has been a major driver for the programme of work undertaken in the north-west. Again, I know that this is something that you want to touch on in terms of the City of Culture. The strategy was set out in the 'North west Culture-led Economic and Social Development' strategy document published in June 2014. Despite funding constraints, there has been a lot of work done to try to get in-year money to support projects against that agenda. There has been some additional work done around the sports programme under Together: Building a United Community (T:BUC). There are opportunities for DCAL to be involved in more work around T:BUC, and that is something that we will be trying to focus on over the next year.

Obviously the Committee wants to raise the issue of stadia today. Rory, Cynthia and I will be happy to talk through any issues that we can. I know that the Committee has had a number of previous briefings about the regional programme that is being delivered by DCAL. It is a capital development priority and part of the Executive's Programme for Government. I want to give a reassurance to the Committee that this is something that we and the Minister see as an absolute priority. I will certainly be placing a very close focus on it over the coming year. That is for a number of reasons, not least because it is a major investment of £110 million, but, over and above that, because it really does offer opportunities to progress the agenda that I talked about earlier. I wanted to keep the introductory comments short but give you a flavour of some of the things that I have been looking at so far. I am very happy to answer any questions that the Committee has.

The Chairperson (Mr McCausland): Thank you. Before we go to the questions, there was a letter sent from the Committee on 16 April requesting some information. That information has not arrived yet. Do you have that information with you today?

Dr McMahon: Apologies, Chair, but we do not have that information with us. Apologies that we were not able to get that to you before the Committee meeting.

Mr Rory Miskelly (Department of Culture, Arts and Leisure): I am happy to update members on whatever I can in regard to the content requested in that letter.

The Chairperson (Mr McCausland): It is very simple information. It is just a list of the membership of the committee, chairmanship of the committee, and minutes of meetings. Could somebody arrange for those to be emailed through before our meeting finishes today?

Mr Miskelly: I can advise verbally on a number of those matters now.

The Chairperson (Mr McCausland): You cannot repeat the minutes verbatim. Would it be possible to have the information that we requested emailed through before the end of today's meeting?

Dr McMahon: I am sorry, Chair, but it will not be possible to do that because we are not in a position to release that information yet.

The Chairperson (Mr McCausland): Sorry?

Mr Miskelly: Not the full information. Apologies. We could certainly confirm chairmanship, details of the composition of the panel and when it was established, but I believe that there were further things requested including copies of minutes and reports etc, which we are in the process of collating. That is why part of the information would be available but not the full package.

The Chairperson (Mr McCausland): The letter asked how, and by whom, the safety technical group (STG) was established — that can be explained — and for reports from the meetings held. I am sure that members will want to return to that in due course.

Mr Hilditch: Thanks for coming in this morning. There is obviously a growing concern among the wider public on issues surrounding Casement Park given particular media reports that came out over

Easter. It concerns me, as a member of the Committee. Have I been given the full information as we have worked through the process on Casement? Have I been misled, or has information just not come forward? There have been a number of meetings at which officials have stated a high degree of confidence that things were proceeding and that it should be a formality, even as late as December when we were heading to the judicial review. Just where are we with Casement? What are the issues? What have we not been told? Is there a problem with the future of Casement? We are at a loss because of the media reports out there. If the media reports are accurate at all, there is a very serious issue unfolding.

Mr Miskelly: As you are aware, Casement Park forms a core element of the wider stadia programme. The programme was set up as a Programme for Government commitment and investment. We stepped through the mechanism of establishing a programme framework and structure in line with current best practice. It was fully vetted and had the advice and support of Central Procurement Directorate (CPD). That took the format of procuring through open competitions and contracting parties on a design-and-build basis. Contracting parties were procured and contracts awarded on the basis of experience as well as price. That is a tried and tested best practice process. We are confident in the process that delivered the contracting party as well as the design team, both of whom have been engaged by the GAA and are top drawer, top calibre parties with a proven demonstrable track record in UK and international stadia delivery.

Mr Hilditch: Who are they, Rory?

Mr Miskelly: The contracting party is a joint venture involving the Heron Buckingham group. The design team led by Mott MacDonald includes a number of key individuals. On the client side, Populous architects have delivered a number of key projects including the Aviva Stadium in Dublin, the London Olympic stadia, and the Etihad Stadium in Melbourne; it is a very long list. Populous is an exemplar architect in its field. Ditto in respect of the contractor's delivery record. It has a proven track record in stadia of comparable scale and complexity. From a credentials point of view, I am more than happy to provide the Committee with details of that experience.

The fact that it is procured on a design-and-build contract is important. There are two statutory processes involved in the delivery of a stadium. One is the development of design to a position where planning permission is applied for and secured. That is traditionally taken to an architectural description of stage D and is submitted to planning. It then undergoes further design development by the contractor. Again, this is a contractor with demonstrable experience in the arena of design-and-build; and a large number of successful projects recently completed, including Titanic Belfast etc, have followed that model. It works very well.

A second parallel process to the one relating to stadia is the one concerning subsequent legislation by the local council, in this case Belfast City Council, under the safety at sports grounds legislation. So, there are two exercises in respect of full statutory compliance prior to turning the key and opening the doors of a stadium.

Planning was secured and we moved through an ongoing process of development and detailed design. In parallel, we worked with members of the statutory bodies to look forward to ensuring that all mechanisms were in place to obtain the final licence down the line.

It is important to note that licensing, in the broadest sense, has two core aspects. There are the physical facilities that are designed and developed by the contractor, the architects and the relevant professionals. More importantly, there are the subsequent safety, event management and operational measures, all of which need to be progressed and developed. Only at the culmination will you achieve the safety certificate from the council.

In parallel with the planning process and design development, you have the ongoing work on what I would call the operational front. As this brings in matters such as stewarding plans, training, and park-and-ride arrangements, which are real levels of detail in how the stadium will work during match day operations, it is normal practice for many of these last details to be concluded in the months prior to the opening of the stadium. A key example of this is Ravenhill. The same process was employed there. It successfully delivered the stadium, and the final certificate was delivered only a matter of weeks prior to the opening. It would be wrong to have the perception that you do a full lock, stock and barrel design that is fully signed off by all parties and essentially licensed four years in advance of opening. That is not the process, and there are a number of reasons as to why it is not the process. That is the background.

Unique to Casement Park, in the middle of the progression of the design and development phase and the parallel work in how, operationally, matters such as emergency exiting would be addressed, we encountered the judicial review process. The design was taken to a very advanced stage, in that all matters in respect of the green guide for normal modes of operation had satisfactorily been delivered and developed and confidence and confirmation —

Mr Hilditch: Sorry, Rory, will you repeat that?

Mr Miskelly: Prior to the conclusion of the judicial review, the design in normal modes of operation was developed to a stage of compliance so that it satisfied the relevant legislation. The ongoing work focused on emergency scenario planning.

You may hear about two guides cited in respect of legislation — the UK green guide and the Northern Ireland-specific red guide. Designers have always designed to the higher overarching code, which is the green guide, the 'Guide to Safety at Sports Grounds'. Some of the core aspects of that guide involve the normal modes of operation that affect the design of concourses and vomitories generally, and how a stadium will function on various operational days. That is solely within the remit of the designers and the client who owns the site on which the stadium is being built. Clearly, it is prudent that the same design process thinks through and works with statutory bodies on how stadia would respond to a number of matters and facts that may arise outside of the normal course of events.

This is what is referred to as emergency scenario planning. The green guide does not go into detail on it; however, it is clearly prudent that this is an iterative process that is based on dialogue between the blue-light services, the designers and other operational partners in the area.

Mr Hilditch: With the issues you have raised inside and outside the stadium, where do evacuation times fit into one or the other?

Mr Miskelly: Evacuation times and code compliance are about getting people to places of safety. During last year, there were various discussions on that. Again, the —

Mr Hilditch: Did it comply with the legislation?

Mr Miskelly: Within the grounds, yes. It is my understanding that we could deliver for the normal modes within the ground within the eight minutes. We then moved into an examination of emergency evacuations that are due to an escalating number of incidents. This clearly moves to the need for a risk-based approach by the design team, but, primarily, to the interface with the statutory bodies. Scenario planning for the normal course of events in other UK stadia is that when you get into scenario planning outside the constraints of the site, then an incident at location A will have an effect on egress. When we get into the scenario of incidents at locations A and B, they will have more significant implications for evacuations from wider areas, and it is suffice to say that, when we get into scenarios in which there are incidents at locations A, B, C, D and E, those will have further effects.

No one designs and invests public money in a facility that will have optimum evacuation times for scenarios with extremely low probability and impact assessments. That is why, in the latter part of the year, we were moving towards a risk-based approach to assess those factors. That is what we looked at in the latter part of the year, but more importantly, moving forward, the work of the STG and the blue-light services.

Hopefully, this will help clarify the matter between a normal design and development process and the unique site-specific aspects in which emergency planning will take place.

Mr Hilditch: To be fair, it has probably added further questions. I have other questions, but I want other members to get in as I know they have other meetings to go to, and I am sure that I will be allowed to come back to my questions later. We have not got to the chair or the membership of the STG or what part it played in moving the whole project forward when it was formed. That is all the stuff that you outlined at the start.

The Chairperson (Mr McCausland): For clarity, I want to go back to what David said. In the letter of 16 April, we asked for details about the chair of the group, by whom it was established, and how and

who it reports to. We also asked for the number of meetings that have taken place and the minutes of those meetings. Will we receive all those things?

Mr Miskelly: Yes.

The Chairperson (Mr McCausland): Will we receive them in an unredacted form?

Mr Miskelly: I have already received them and can advise on a number of those matters. In respect of the minutes, I believe we are clarifying one aspect, but, subject to that, I will take the view of the Department. I do not see an issue with that.

The Chairperson (Mr McCausland): Why would there be a need to —

Mr Miskelly: Sorry, there was a discrepancy in attendances in one set of the minutes. We are in dialogue with Sport NI to clarify that. It would be wrong for me to forward minutes that are not in final form and that had not been adopted.

The Chairperson (Mr McCausland): OK.

Mr Humphrey: Good morning. Thank you very much for your presentation. Good luck to you in your new roles. Have all three stadia that have been funded by the Northern Ireland Government been required to established safety technical groups?

Mr Miskelly: Maybe I could pick that up.

Ms Cynthia Smith (Department of Culture, Arts and Leisure): I will speak in general terms and then hand over to Rory. By way of introduction, as my colleagues have said, these are high-priority programme issues. It is one of the Executive's Programme for Government commitments to develop sports stadia. That is agreed, we know that, and the Committee is very well aware of that. Back towards the end of 2013, the Department —

The Chairperson (Mr McCausland): Sorry, Cynthia. It may be my hearing, but could you speak a wee bit louder or speak into the microphone a bit more?

Ms Smith: Absolutely. The safety technical group that we and a number of the members have referred to is a multi-agency body that was established by Sport NI at the request of —

Mr Humphrey: Sorry, Cynthia. I do not mean to be rude. I appreciate that, and the membership is aware of that. I simply want to know whether STGs were established for the project at Windsor Park, which has now commenced; Ravenhill, which is nearing completion; and Casement.

Ms Smith: Yes.

Mr Humphrey: In terms of Ravenhill and Windsor, then, has the advice from and the role played by the STG been listened to and implemented?

Mr Miskelly: It is the same entity; it is an STG that is common. It was set up to support the three stadia. There are not three separate ones; it has common members, excluding —

Mr Humphrey: We will get to that, but, being honest, was it listened to?

Mr Miskelly: Ravenhill was the same process and the exact same delivery model. That is evidence-based from the fact that Ravenhill was successfully completed and obtained its safety certificate licence from Belfast City Council for the desired capacity.

Mr Humphrey: And Windsor?

Mr Miskelly: Windsor is on track for the delivery of same.

Mr Humphrey: So, the STGs in those two projects worked with the Department and the contractors and have been listened to. Who chairs the STG for Casement Park, and what is its membership?

Mr Miskelly: The STG, notwithstanding that it formed in 2012, as we said, comprises representatives from Belfast City Council; the Northern Ireland Ambulance Service; the Northern Ireland Fire and Rescue Service; the Police Service of Northern Ireland; and Sport NI. It has been chaired by Paul Scott of Sport NI in its capacity as the technical overseeing body, which is a function in SNI that SNI supports. That is the —

Mr Humphrey: And you can provide the list of the various individuals who represent those bodies.

Mr Miskelly: Yes.

Mr Humphrey: All of whom are, principally, governmental or local governmental.

Mr Miskelly: They are a combination of blue-light and emergency services and overseeing bodies.

Mr Humphrey: I listened, Denis, to what you said at the start; you look forward to working with the Committee, but I do not think that we have got off to a particularly good start. The information has not been provided in writing, and the answers asked for in writing on 16 April by the Chairman have, unfortunately, not been answered.

Turning to Casement Park: the last time you were in front of the Committee, Rory, which was in December, the Department was confident that it would win the judicial review. There are minutes to support that. As regards the 38,000 capacity that is being sought by the GAA for Casement Park, advice has obviously been given by the STG around the whole issue, not least in and around the emergency escape timings for the stadium. This is hugely important, given that we have the inquest into the Hillsborough disaster at the moment, which is germane and is in the public domain, and what could have happened at Windsor Park. Does the Department agree with the STG or the GAA?

Mr Miskelly: I believe that it is not the case that there are two factual positions. We still have an ongoing process to work through. As late as November, further information on the emergency evacuation planning was produced by the GAA team. It is only natural, given the judicial review, that there has been a temporary lull in proceedings and members needed to take stock of the ruling. We are now mobilising to move forward. The emergency evacuation planning scenario and the operational response was not a concluded piece of work. At any of the points in time as the design evolved, there were challenges and areas of concern, but it remains an ongoing process. We —

Mr Humphrey: So, what is the Department's position?

Mr Miskelly: In respect —

Mr Humphrey: Will the Department take the advice of the STG on board on this issue?

Mr Miskelly: Absolutely.

Mr Humphrey: It will?

Ms Smith: Very clearly, the Department is committed to the project. It is a high-priority project, as we have said, for the Executive, the Minister and the Department. We are now taking stock of the judgement very carefully. It was a very detailed judgement that was delivered back in December, and it is important that we get this right. We have been taking account of the very detailed judgement, and we have been working closely with the GAA. We have been taking the advice of the safety technical group on board, and any decision will be informed by all of this.

Dr McMahon: The only thing I will add to that is that the aim is not to get a particular size of facility up at any cost. The aim is to ensure that we get a successful project, and a successful project means getting an appropriately-sized, appropriate project through the various statutory processes. More importantly than that, ensuring safety has to be a priority concern.

Mr Humphrey: Dr McMahon, with respect, the GAA's position is that it sees the appropriate size as being a capacity of 38,000. The STG said that it has to be considerably lower than that. If I am right about the judge's ruling, the judge's ruling was on planning, not safety.

Mr Miskelly: The judge's ruling found that the planners erred in how they assessed the baseline capacity, and the baseline capacity, therefore, drove how much of an uplift was tested. As of today, because the GAA has taken stock of the ruling, it has commissioned independent and further reports in the analysis of baseline and the available infrastructure in the area. As of today, it is reviewing capacity. It is not correct to say that we, today, are proceeding with a 38,000-capacity stadium. It is taking stock of what the infrastructure accommodates, and we support that.

Mr Humphrey: The Department is not pursuing a 38,000-capacity stadium.

Mr Miskelly: The brief for the final capacity has not yet been ascertained.

Mr Humphrey: It will not be 38,000.

Mr Miskelly: It is not 38,000 today. It is being reviewed and ascertained by the GAA.

Dr McMahon: To be fair, I do not think that it would be right to pre-empt the process in that sense. The point I want to get across is that we are not fixed on a particular model. That has to be right, and, having spoken to the Minister, I can assure you that nobody wants a situation where we do not have a safe and very well-used and utilised stadium. That is absolutely part of all of this.

Mr Humphrey: That is what we all want to see.

Finally, has there been any political pressure applied in this process?

Dr McMahon: Not to me anyway.

Ms Smith: Absolutely not.

Mr Humphrey: What about to the STG?

Mr Miskelly: Certainly not that I am personally or professionally aware of.

Mr Ó hOisín: Thanks, folks, for that. I accept that the final certificate for Ravenhill was issued only a fortnight before the stadium opened. I want to go back to that process, because, obviously, safety advice for any stadium is drawn up, and the safety technical group feeds into it at that point. In the initial outline business case, where does the safety advice come to the point where it is passed to the safety technical group? What is the mechanical process for that, and where does it happen in terms of the development?

Mr Miskelly: It is an interesting point about the business case. While 38,000 was the subject of maximum capacity, it is important to note that, as reflected in the approved business case, 38,000 is not the norm. That number would be required for a once-a-year Championship event. Part of the focus on the design evolution has been around that you could have maybe five modes of operation. There would be a small capacity, where the stadium would work on a Monday morning with community facilities, education outreach groups through to domestic fixtures through to county grounds. As per the business case, the exception is the 38,000 mode.

Mr Ó hOisín: Rory, the original business case was for 42,000.

Mr Miskelly: In the early stages of the project, there was correspondence by STG members citing that it could be envisaged that 40,000 or 42,000 could be accommodated at the Casement Park site.

Mr Ó hOisín: Was there safety advice in that?

Mr Miskelly: That would have been from high-level bodies at that stage, however that would have been subject to design evolution. It would be fair to say that the expectations were set and that Casement Park is a logical venue that can deliver a suitable crowd capacity that would meet the

GAA's aspirations for its strategic goals for the game, as well as the principle that the Executive have approved investment in a regional facility.

Mr Ó hOisín: Who specifically gave the safety advice on the 42,000-seater stadium?

Mr Miskelly: That matter arose from a member of the technical overseeing body at Sport NI.

Mr Ó hOisín: Is it the same member who is now the chair of the STG?

Mr Miskelly: I believe so, yes.

Mr Ó hOisín: So, it was safe at 42,000 and became unsafe at 38,000.

Mr Miskelly: I believe that, in the early stages, it was cited that it should be possible to deliver. However, it should be acknowledged that the further design work would have had to be done at that stage. It was an earlier stage of the process. The early confidence levels for delivering a high-capacity stadium at the Casement Park site would be from that era.

Mr Ó hOisín: Those business cases were signed off on. I declare an interest as a member of the GAA; I should have done that at the start. In your opinion, has the GAA cooperated fully with the STG on the information that was requested and required?

Mr Miskelly: Yes, absolutely. It is also important to note that, because of its composition and the technical nature of matters discussed, the STG met without us, the GAA, members of the design team or the contractor to discuss emergency planning scenarios, etc, in a constructive environment. When information becomes available, it is fed through the appropriate channels. As I said, we went through a process where, at snapshots in time, there were challenges. The key focus for us is on where we have looked at the process to date. We have brought further levels of assurance, and we have recent information that now needs to be disseminated back through the STG. I believe that we are moving to a meeting tomorrow with key principal stakeholders, and we will then move to re-energise the STG in about two and a half weeks.

Ms Smith: I think that all members of the STG are committed to the importance of delivering a safe facility. We will certainly work closely with Sport NI and the group to re-energise it, as you say, and to ensure that it has very clear —

The Chairperson (Mr McCausland): Sorry, will you speak a wee bit louder?

Ms Smith: Absolutely. I am just giving an absolute assurance that, where the respective responsibilities are concerned, the group operates as effectively and efficiently as it can, has the appropriate support and the communication levels are absolutely clear between the various stakeholders and interested bodies. It is really important that we have very strong communications between the various parties involved and the work of the group, the Department, the GAA and the design team. Moving forward, we really want to ensure that we have strengthened and made that very clear, given the importance of all this.

Mr Ó hOisín: As an aside, has the STG met the IFA or the Health and Safety Executive in reference to what could have been an absolute disaster at Windsor?

Mr Miskelly: No, it has not. The chair would have met the IFA and officials in his remit as the technical overseeing body but not as chair of the STG. However, the STG will feed in to the interim match day arrangements and will primarily focus on the forthcoming international. So, STG members' sign-off of that is of paramount importance.

Dr McMahon: It is probably worth saying that, as part of the Department's normal role in overseeing the legislation on safety in sports grounds generally, one of the things that we are keen to do — this is moving it slightly into Windsor — is to engage with councils to do a bit of a stocktake on where we have got to with processes and so on. Again without getting into the detail of that in this part of the session, that was a particularly unique and rare set of circumstances that came together. We want to make sure that something totally different does not occur in another ground that maybe catches us

unawares. In the way that you would with normal good practice, we want to make sure that we look at all the processes on that. We are using this as an opportunity to do that.

Mr Miskelly: The STG focus is on the design and development of the new facilities and structures. The council secures the ongoing interim licensing, and it is supported with technical advice from the chair of the STG.

Mr Ó hOisín: Safety in sports grounds is a departmental responsibility as well.

Mr Miskelly: The legislation provides for that.

Dr McMahon: The councils have a key role in implementing that. It is a good thing to do anyway to get together regularly with the councils to see that we are all satisfied that we are communicating effectively in the event that something like that happens or a different set of circumstances comes together in another ground. We need to be aware of all the lessons learned.

Mr McMullan: Were the same principles applied and the same approach taken in the procurement processes for all three stadium developments?

Mr Miskelly: Yes.

Mr McMullan: Was the same approach taken on procurement principles etc?

Mr Miskelly: The same approach was taken in the procurement of contractors and design teams and in the formation of the STG. From the initial programme, we saw the phased delivery of Ravenhill and, subsequently and for other reasons, Windsor and Casement coming behind.

Mr McMullan: Was the same approach taken to safety inside and outside?

Mr Miskelly: We worked to the same statutory processes and the same codes, the same STG processes and the same individuals, with the exception of the different individuals in the external design teams.

Mr McMullan: Are the planning process and the safety process two different things? Did they work independently, or did they work together in the programme?

Mr Miskelly: As I noted, obtaining statutory planning permission is a stand-alone process, and obtaining the full safety certificate is a separate process carried out by a separate body, which is the council. In the natural course of capital development, there is clearly a time lag between the design stage and securing planning and being ready to provide full operational details and to commence operations. They are two separate processes. There is commonality in a number of aspects, in that the initial design should be deemed a suitable vehicle that can be developed further to get licensed. That has been the approach on all three stadia, and it has worked successfully at Ravenhill and, to date, at Windsor.

Mr McMullan: Yes, but the planning process would have to detail the stadium's size and capacity. Therefore, the stadium's safety, inside and outside, would come into the planning process. Could that go through the planning process?

Mr Miskelly: It would, because a key aspect of it would be that planning sets the scale and the capacity. Planning also looks at the infrastructure and certain arrangements that the bodies would put in place, including transport to the stadium and scenario planning. A number of the statutory bodies are consultees to the planning process itself, as we saw with Casement Park. The PSNI was a consultee to the planning process. Securing planning is an initial very strong marker that the key that the scheme is in a healthy position. Through the natural processes, it is finessed and developed further to the final safety certification licence itself.

Mr McMullan: Were what we would term "blue light" organisations all involved in the planning process as statutory consultees? Were they happy with the process?

Mr Miskelly: I would need to check the list of consultees to the planning process, but certainly the PSNI, as we are aware, was a consultee on each of the projects and would have fed in to them.

Mr McMullan: What about Roads Service?

Mr Miskelly: Roads Service is a key statutory consultee.

Mr McMullan: Was it consulted?

Mr Miskelly: Absolutely.

Mr B McCrea: Permanent secretary, what you understand a statutory Committee's role to be?

Dr McMahan: Obviously, the role is to scrutinise and support the development of policy in the Department by ensuring that we get effective input to our development processes.

Mr B McCrea: You understand that we are not the last people to know what is going on and that we should be —

Dr McMahan: I very much accept that point, and I think that, in fairness, it comes back to the point that Rory touched on. It is very important that we have the papers and processes in a position that means that we are able to give them to you. In this case, there were some issues with some of the papers that we had received, and we wanted to make sure that they were accurate.

Mr B McCrea: As I understand it, and just to make sure that this is what Mr Miskelly said, the only thing that is outstanding in the minutes is the question of one person's attendance or non-attendance at the meeting. Is that correct?

Mr Miskelly: I think that there were two instances of the status of two separate sets of minutes. I believe that, on all other matters, we will certainly follow up with the written confirmation, but hopefully I have addressed all other areas. Again, I apologise. It was unfortunate that we could not bring that information to the Committee in advance.

Mr B McCrea: The deputy secretary told us that there had been a judicial review, which was a very detailed judgement, and that the Department had been reviewing it in great detail. Are you telling me that, in the light of that, you did not have a bundle of papers for minutes ready before now?

Mr Miskelly: The STG process was chaired and delivered by SNI. When we received the letter from the Committee, in the interest of completeness, we immediately wrote to SNI and asked for a full comprehensive package to ensure that we had all the information in our possession.

Mr B McCrea: That was not done as a result of the Department's consideration of a very detailed JR, which has been hugely problematic. You decided to look at it only now.

Ms Smith: Can I chip in and explain this to you? As I said, we have been meeting with Sport NI to look carefully at the safety technical group's role to ensure that communications, for example, are of critical importance so that the normal things that you would expect are done, such as minutes properly agreed and issued and a very clear agenda circulated in a timely way. We have been looking at that so that, going forward, we are absolutely clear that all those practice points will be fully met in future. Clearly, we did not just wait to look at those areas until the Committee requested that information. We have been looking carefully at the role just to make sure that public safety remains a priority.

Mr B McCrea: One of the issues that they asked for specifically was the terms of reference for the safety technical group. I wonder whether Mr Miskelly has that in his possession at this meeting.

Mr Miskelly: Where the STG is concerned, in the light of the ongoing judicial review, a meeting was held at the end of last year with Sport NI. At that meeting, so that there would be clarity, both in the judicial review and going forward, we requested a copy of the terms of reference for the group.

Mr B McCrea: Do you have them with you today?

Mr Miskelly: No. Just to finish my point, there was uncertainty at that point. No terms of reference were produced or made available to us. After that, in the absence of SNI putting any terms of reference in place, the Department took forward developing terms of reference for it. We have corresponded with Sport NI over the last two months on that, and it is now moving to a conclusion.

Mr B McCrea: OK. Let me just put it on the record for you. I find it appalling that a statutory Committee writes formally to the Department asking for specific information on a matter of huge public interest and you withhold all that information, just because you are not sure about the attendance at two meetings. It would have been perfectly acceptable to send all the information except those two and to say, "We will be forwarding that information when we have it available". As it is, we are now trying to find out things when you have the information and we do not. You should not treat statutory Committees with contempt. If we do not get the information that we require, I will put it to the Chair that we compel you to provide it. This is a serious issue, and we are not being treated appropriately. You will need to address that. I hope that I have made myself clear on that.

Moving on to the information, when was the business case signed off for the 42,000-seater stadium?

Mr Miskelly: The final business case for the 38,000-seater stadium would have been approved in 2012.

Mr B McCrea: As I understand it, and I stand to be corrected, the business case that was originally signed off was for 42,000.

Mr Miskelly: With the stadium programme, there have been a number of cases, in that it moved from an outline business case to specific full business cases for each of them. From memory, early versions looked at the 42,000. There was a period of consultation, etc, with Planning Service and the residents' group. The GAA reviewed its business case, and it was reduced to 38,000.

Mr B McCrea: I just want to be clear about this: at the start of this process, was safety advice given when it was originally signed off? If so, by whom?

Mr Miskelly: In those stages of the projects, there would have been safety input and advice on the development of the design and moving towards licensing. There would have been discussions and dialogue with members of the technical overseeing body residing within Sport NI.

Mr B McCrea: Will Mr Scott, as chair of the STG, have given initial approval for 42,000?

Mr Miskelly: He would have given a view on it. I am unclear on whether —

Mr B McCrea: Will the minutes that we will be provided with in due course explain the process by which the figure has fallen from 42,000 to 38,000 and beyond? Will the minutes clarify those issues?

Mr Miskelly: My understanding is that the STG was set up in late 2012. That would have been when the final business case was approved. The STG process would have started with the 38,000. I believe that the STG was not in existence at the very early stages of the Casement Park project.

Mr B McCrea: I have a final point on this issue. I am not sure exactly who mentioned it, but the words "to re-energise the STG" were used in the discussion that you had. Why do we need to re-energise the STG?

Mr Miskelly: Notwithstanding the phraseology, after the judicial review, the GAA, the project team and the Department clearly needed to take stock of the ruling. The core content of the ruling was around the baseline capacity and the transportation of 38,000 people in and out of the area. It is only natural that, to address those, it is realistic to ask how firm the footing is and what further work can be done to consolidate the footing, as well as to ask about the basis on which we move forward. The last couple of months have seen specialist reports being done and discussions going on internally in the GAA and discussions going on with ourselves so that we are in a position where we can shortly present not only the latest work that did not have the opportunity to be presented because of the JR proceedings in 2012 but, more importantly, the new thought process moving forward.

Mr B McCrea: Is there any reason why the Committee should not get sight of the recent information that you are talking about providing and the STG's consideration?

Mr Miskelly: Those are technical reports. I am adamant that technical reports need to be presented appropriately by the right party and with due respect to cognisance and ownership. I understand your question, but I will caveat it by saying that technical reports need to be presented by the appropriate party.

Mr B McCrea: If the appropriate party was able to present that, is there no legal impediment or reason why we could not see it?

Mr Miskelly: Without speaking on behalf of the GAA, if its project team members were asked to present, that could be the scenario.

Mr Dunne: Thanks very much for coming in this morning. Rory, could you clarify why you went for design and build for the Casement Park project?

Mr Miskelly: In design and build using the new NEC form of contract, the project team would have compiled a tendering and contract selection paper that set out the pros and cons of various methods and models of capital delivery. As our technical advisers, Central Procurement Directorate plays a key role in providing us with technical and contractual advice, the recommendation to move to a design-and-build contract with the employer's requirements suitably developed to protect the integrity of the design was the output and the agreed model. The pros and cons of it are detailed, and I can try to elaborate on some of them. The key underlying principle is that it was a view endorsed by CPD and by the individual project team members — the construction professionals — and by the Department as a suitable vehicle for delivering not only the project but best value. The design-and-build approach, especially with the lump sum option A under the NEC, has been the preferred model of delivery for comparable capital investment in recent years in Northern Ireland.

Mr Dunne: OK. Would you be assured that it is the best for delivering quality and meeting the customer's specifications?

Mr Miskelly: I would, because it forces clients to specify, at an early stage, what is important to them, and it inherently locks that down in the employer's works information. Again, with the Titanic project, the high-quality calibre areas and functionality were all crystallised. Design and build leaves room for the contractor to bring his expertise to the table. So, a contractor and his specialists are best placed to develop the detail of how the building is structurally braced, etc. However, when locking down the functionality, the quality and the aesthetics, the NEC option A under design and build is an excellent model for a client to set out his requirements and to provide a framework for it to be accepted or rejected against that.

Mr Dunne: How many contractors were shortlisted for the tendering process?

Mr Miskelly: The tendering process was a two-stage process involving initial pre-qualification and then a shortlisting of a select list. From memory, I recall that there were five, although it was prior to my involvement in the programme. However, I am happy to provide information on that.

Mr Dunne: Obviously, that went down to one?

Mr Miskelly: As is the normal tired and tested way. The ethos of that is that it is not economically efficient to have large numbers of contractors investing significant amounts of cost, time and energy into a project. Again, good practice guidance sets the parameter that you should shortlist no more than a certain number, depending on the nature and complexity of the project, etc.

Mr Dunne: I know that there has been a lot of discussion on the safety technical group; I have not been here for all that. Does it form part of the project management team, right from the initial stages?

Mr Miskelly: It is a body set up to support the delivery of the project by project management. Where the day-to-day project management is concerned, it sits outside that. The project management and the contracted management are carried out by a party directly engaged by the GAA. It is a party —

Mr Dunne: Sorry, what was that?

Mr Miskelly: The day-to-day project management and the administration of the building contract is carried out, as is the norm, by an outside party — a consultancy party — that is part of the integrated consultancy team. The STG is akin to another key stakeholder party that, in this case, was set up specifically to provide advice and support on and an overseeing role in the safety- and emergency-related matters.

Dr McMahon: It is worth adding that the key thing is that we need to get the right balance. That is one of the things about moving forward, and it touches on some of the points made about the minutes and so forth. We need to be in a position whereby the STG is working closely enough with us that we are getting that information, we are getting it very directly and we are building that into the programme — absolutely. That needs to continue, and we need to improve those communications. The other side of it is that there needs to be a level of independence, so we need to think about how to get the best balance.

Mr Dunne: There are principles of project management. Would it not be the case that the safety group would be represented right from the start? All project management is about involving everyone. You are fully aware of it. Integrated project management is about integrating and bringing everyone in. Was it there? It seems to me that it was not. It has been included.

Mr Miskelly: That is part of what, since December, we have been looking to address.

Mr Dunne: Do you reckon that that is a risk?

Mr Miskelly: Sorry, in respect of what?

Mr Dunne: The overall management of the project, given that it was not involved right from the start.

Mr Miskelly: No, because there was an established conduit for reporting into the Department. Since December, we have been looking at how to make that more direct and practical, going directly into the project team.

Mr Dunne: Chairman, bear with me, I have a couple of questions on Windsor Park. We had a discussion here earlier in the week. I appreciate your patience. I know that you are a very patient man. It will be interesting to hear from you, as the senior representative of DCAL, your opinion on what could have happened at Windsor Park. Approximately three weeks ago, about 4,000 people were in a stand enjoying a football match in a building that they felt was provided for within statutory requirements. Now, there has been a major failure. We were on the edge of a major disaster, so I would like to know your opinion, from the leadership of DCAL, and what you have done about it since.

Dr McMahon: I will set it in context. I made the point that one of the things that we need to think about is that processes were in place. Those processes, in the event, worked for the weekend of the game. Undoubtedly, there was a situation where a set of circumstances came together that was, obviously, very worrying. If those circumstances had come together, would they have been picked up if the event had been on the Tuesday? We had a set of processes, and, on the Friday, I think, there was an inspection.

Mr Dunne: Where was the inspection?

Mr Miskelly: There was an inspection prior to the game, as there has been prior to a number of the matches at Windsor Park. Indeed, the same model was used at Ravenhill. Where the materiality of the ground changes between games, the technical overseeing body, with support from and advice to the licensing authority, carries out inspections. In the run-up to each of those games, where the materiality of the ground changes, there is a period of surveys, investigations, walk rounds and inspections by the licensing authority.

Mr Dunne: I understand all that.

Dr McMahon: I will finish the point that I was going to make, and then we will get back into more detail. For us, it is absolutely the Minister's view and my view that we need to make sure that we look

at the circumstances and that we satisfy ourselves. The danger is, to some extent, that we look at this set of circumstances and say, "How could that apply anywhere else?" This is a very unlikely scenario. Having said that, what are the other scenarios that could play out? There was certainly a particular set of conditions that came together that influenced this. The question is this: are our processes robust enough so that, if a similar set of circumstances or a totally different set of circumstances at a different ground came together, they would pick up the issues in advance?

Mr Miskelly: To add to that point, the unique set of circumstances includes, after the match and prior to the incident, the ongoing work on the Olympia leisure centre site, which is immediately adjacent to the boundary of the rear of the west stand. Certainly, we can only take it that the inspection by the relevant parties, including a structural engineer's report, in advance of the game was correct. Subsequent to that, the combination of ongoing work, potential weather and other matters are all the subject of technical reports and insurance matters involving not only the IFA but the adjacent site and all parties in the adjacent site. That is the crux of the matter.

Mr Dunne: Obviously, you have avoided really getting to the answers that I require. We are waiting for them.

Will you clarify a couple of other points? The new build, which is under way, includes the leisure centre: is that all one contract?

Mr Miskelly: No. The Windsor Park stadium is a stand-alone project. The adjacent Olympia leisure centre is a council project. There is an element of DCAL contribution to it because of the long-term community benefits that it will deliver. There is an interface in physical terms, but it is a separate contract, for a separate client. There is commonality in some of the parties, in that the contractor is the same contractor on both sites, but, regarding the assurance and insurance portfolios, both projects stand on their own merits, both in the expertise in the team and the insurance provisions. The excavations immediately to the rear of the West Stand are not the excavations of the IFA Windsor Park project but the excavations of the BCC project.

Mr Dunne: Who is responsible for managing the overall project with the main contractor?

Mr Miskelly: There are two separate projects.

Mr Dunne: Yes, but who is responsible for managing both? We have one contractor.

Mr Miskelly: No. There are two contracts, so, in legal terms, there are two contractors. By coincidence or market forces, it is the same contractor.

Mr Dunne: Therefore, it is the same contractor. There is one contractor managing two contracts.

Dr McMahon: No, there are two separate contracts.

Mr Miskelly: There are two separate contracts. It is akin to —

Mr Dunne: Yes, I said "contracts", but there is one contractor carrying out both contracts.

Mr Miskelly: It is the same contractor. I liken it to going to two branches of Sainsbury's.

Mr Dunne: Who is responsible for the day-to-day safety on the site, for the design of the project, for the work that is carried out and for the identification of any risk that there may be as a result of the excavation and building work being carried out? Who is responsible for that? That is what the ordinary person wants to know.

Mr Miskelly: I can comment in detail on the IFA project. The BCC project will have its own project structures, governance structures and consultants.

Mr Dunne: Surely you are responsible for that.

Dr McMahon: It is a council project.

Mr Miskelly: No, it is a council project.

Mr Dunne: You in DCAL have a responsibility. You are putting major funding into both projects.

Dr McMahon: It is a council project.

Mr Miskelly: It is a council project. We sit on a wider project board and ensure that the DCAL interests are represented and protected. We are a minority funder to that, but, nevertheless, we sit on the board.

Mr Dunne: Are two sets of consultants involved in both contracts?

Mr Miskelly: My understanding is that there is some commonality in the teams.

Mr Dunne: What does that mean?

Mr Miskelly: As with the contractor, there is commonality in some of the consultants.

Mr Dunne: Is there one set of consultants or two sets of consultants on two different contracts?

Ms Smith: Perhaps I can put it into layperson's terms, and I am the layperson. These are two separate projects. There are two separate contracts.

Mr Dunne: Fully understood. There is one contractor.

Ms Smith: It happens that it is a common contractor, but they are separate projects with separate teams.

Mr Dunne: Understood, yes.

Ms Smith: That is just so that the Committee is absolutely clear on those points.

Mr Cree: What about the consultants?

Mr Dunne: You have not answered that. I am still asking that.

Mr Miskelly: I believe that there is commonality in some of the consultancy team members. I will write to the Committee on that exactly. We have limited visibility over the details of the BCC contract.

Dr McMahon: That is the point. To be fair, we probably need to have a look at that.

The Chairperson (Mr McCausland): Come back to us on that.

Dr McMahon: We cannot give you the detail, but I think that the key point is that, in a sense, that is a coincidence. There is absolutely no join between the two contracts, and they need to be managed separately. If there are two separate procurement processes —

Mr Dunne: Last point. How many contractors tendered for the two contracts?

Mr Miskelly: I can speak only on the Windsor Park contract. Again, it went through a two-stage process over open competition. Pre-qualifications reduced it down to a select list of, I suspect, five or six.

Mr Dunne: You suspect, just.

Mr Miskelly: I am happy to reaffirm that to the Committee in due course.

Mr Dunne: I understand that you are the project manager for the whole lot, Rory. Is that right? You are project manager for DCAL.

Mr Miskelly: No, I am —

Mr Dunne: You are heading up the stadia projects. Is that right?

Mr Miskelly: That is right. I act as —

Mr Dunne: Stadium programme director, no less.

Mr Miskelly: That is right. For the three DCAL projects, not the Belfast City Council project.

Mr Dunne: For the three. That is great. Thank you very much.

We are looking forward to the full report on what has happened, by the way. This is a major incident, with consequences. Obviously, we want to see what procedures will be put in place to give everyone assurance that there will be no reoccurrence on any site in Northern Ireland, whether in a public stadium or any public building. I think that DCAL does not fully get the depth of what could have happened, with a potential loss of life.

Mr D Bradley: Good morning. Mr Miskelly, you said earlier that, in the latest discussions, the

"basis on which we move forward"

with Casement Park was discussed. I think that I have quoted you correctly. Can you outline for us the basis on which you intend to move forward?

Mr Miskelly: For Casement, we have had a period of study on the ruling. We have had a period in which the GAA has commissioned a number of further surveys and engaged expertise on infrastructure and baseline capacity, all of which will be informed to reaffirm the final brief regarding capacity and detailed design. Furthermore, that will serve as an appropriate briefing document to recommence in detail the ongoing work with the STG. We had detailed processes last year. We had a judicial review. Up to November, the detailed design development and the various planning documents, and so on, for emergency evacuation scenarios were being undertaken. There was then the ruling. We have had a period of review. As Cynthia mentioned, we have used that opportunity not only to look at and learn from it but to bring those further levels of assurance as we move forward.

Ms Smith: It is worth adding that we have spent a lot time, Chair, talking about some of the technical aspects of the project, and rightly so. However, just so that we do not lose sight, perhaps it is worth adding that the projects, and the stadia programme in general, particularly in Casement, are all designed to deliver very significant social benefits. We are absolutely committed to delivering the wider socio-economic benefits that all three projects are designed to deliver.

Mr D Bradley: You said that you are looking at infrastructure, capacity issues and some technical issues.

Mr Miskelly: Yes.

Mr D Bradley: What are the next steps?

Mr Miskelly: The next step will be a working session and briefing from the contractor and his associated designers to us, the GAA and the STG, first to impart the final information on where they had got to with the work by the end of last year, some of which was not finished, concluded and shared, owing, again, to the nature of the judicial review. Subsequently, we will fall back to regular, structured meetings with the STG. Key, as Cynthia said, will be full circulation, well in advance, of the latest information, appropriate secretariat support, and good, clear, accurate and timely minutes. We will move forward on that basis.

Mr D Bradley: There will be a briefing from the contractors. That will be fed into the STG. What will come out the other end?

Mr Miskelly: That is tied in with the review of the baseline data, and so on, that will inform the final position. That is a key part of the work over the next two weeks prior to concluding and moving towards public consultation, and so on, in due course. We will present the final pieces of work, receive thoughts on them through the technical process of the STG and listen to concerns. A key part of emergency evacuation has to be taking an evidence-based, risk-based approach. For me, that means a structured, documented way of looking to the STG and the associated members to work closely with the project team members to provide a risk-based, methodical approach to the different scenarios so that, again, the STG can reach consensus as a group, notwithstanding code compliance, that further scenario-planning measures on probability, impact and mitigation are appropriate. That is what I look forward to in the next period.

Mr D Bradley: Are you saying that there will be a further public consultation?

Mr Miskelly: The judge quashed the decision, not the planning application number, so there is a planning application on the Planning Service system. That requires a fundamental resubmission of the supporting information and any design development that, based on the revised capacity, potentially over the next two weeks, the GAA wishes to undertake. Notwithstanding the mechanics and whether or not it is required, the full intention of the GAA, supported by DCAL, is that full consultation will take place, and will take place to the highest possible current code.

Mr D Bradley: Finally, can you give us the timeline for over, say, two months, four months and six months? Tell us what will happen over that period.

Mr Miskelly: I believe that, over the next three weeks, the GAA team, in discussion with us, will conclude the findings of the baseline studies that they have been doing. That will reaffirm a brief to the project team, with there being a high likelihood of some alteration to the capacity number, but not to the extent that it would impede the delivery of the benefits or, indeed, any of the fundamentals. The planning did not find fault with the scale and mass, and so on, so it is a matter of finessing the detailed design.

The intention is to move to start the consultation process during the week commencing 17 May, subject to those deliverables being achieved by the GAA and the team in the intervening period. Subject to that, there will be a three-month consultation period and a further period in which stock will be taken of the findings of that consultation, and that will culminate in a reapplication of the information to the Planning Service. Realistically, that will be in early September.

Mr Cree: To get back to the numbers at Casement, the RPS consultants' report stated that the capacity, in concert mode, is 38,000, with 18,500 on the field of play. Are you familiar with that?

Mr Miskelly: I am aware that, back in the early stages, there was documentation about the various modes.

Mr Cree: In this particular document, were those 18,500 people part of the 38,000?

Mr Miskelly: My understanding is that the maximum capacity, taking into account infrastructure and transport, is 38,000.

Mr Cree: It was not approved at 42,000, as you said earlier?

Mr Miskelly: Absolutely not, and it certainly should not be construed as being 38,000 plus 18,500. Absolutely not.

Mr Cree: Sorry, just to clarify the point, you did say earlier that 42,000 was the figure that was approved.

Mr Miskelly: No. It was brought up by another member of the Committee that, at the very early stages of the project, the possibility of a 40,000 or 42,000 capacity at Casement has been discussed and —

Mr Cree: Approved.

Mr Miskelly: No, it had not been approved.

Mr Cree: It had not been approved.

Mr Miskelly: Sorry, the scheme had not been developed and approved for 42,000. The GAA was advised by the technical overseeing body that — I believe that this was the phrasing — it should be possible to develop a stadium at Casement Park with a capacity of 40,000 or 42,000.

Mr Cree: To get back to the root of my question, it never was 56,500.

Mr Miskelly: Absolutely not.

Mr Cree: Can you tell me what the costs are, to date, for the project?

Mr Miskelly: The costs are circa £6 million — just in excess of £6 million.

Mr Cree: A figure of £6.7 million is what I read in the paper.

Mr Miskelly: I previously reported to the Committee — in January, I believe — that the projected cost to the end of the financial year was £6.7 million, but I am glad that the report came in slightly under that. I will be happy to advise the Committee of the exact figure, but it is certainly less than the £6.7 million previously envisaged.

Mr Cree: That is all paid out for professional fees and the like.

Mr Miskelly: It is a combination of costs, as is the norm under the design-and-build contract, where there is a lot of design work and even some enabling works, site investigations, and so on. It is a combination of development costs for associated project team members; consultancy costs; site investigations; and asbestos, bird, and flora and fauna surveys. There is also an element of removing some minor structures to fully test what was in the ground and at the site, and so on. The overarching phrase is "enabling and development costs".

Mr Cree: They are all root project costs, then.

Mr Miskelly: Yes.

Mrs McKeivitt: Sorry that I missed your presentation at the beginning. There has been a lot of open discussion. I am a bit confused about your answer to Mr Cree. You said that the business case for the seating capacity of 42,000 was never signed off on. Is that right? When he was questioning the seating capacity for the business case, you said it had not been signed off on.

Mr Miskelly: The business case reflected the fact that advice obtained by the technical overseeing body to the GAA concluded that it should be possible to deliver a stadium for that capacity in the area.

Mrs McKeivitt: Of 42,000.

Mr Miskelly: Yes.

Mrs McKeivitt: When was that signed off on?

Mr Miskelly: There was a business case, and it was subsequently approved.

Mrs McKeivitt: When was that?

Mr Miskelly: I will have to check the date.

Mrs McKeivitt: Can I get that date, please?

Who made the decision to reduce the advised seating capacity from 42,000 to 38,000, which came up in another business case?

Mr Miskelly: The decision to reduce the capacity to 38,000 was taken by the GAA. That decision was taken in the light of the consultations that it undertook at the time. There were concerns around the scale, mass, density, and so on, within the area, which, ironically, carried on into the judicial review. The reduction from 40,000-odd to 38,000 was the GAA's response to those concerns at the time, which the Department fully understood and supported. It was satisfied that the reduced capacity would not impede the business case delivery.

Mrs McKeivitt: In my eyes, as a layperson, the business case is the crux of delivering on any programme, no matter what, from costings to what materials you are using or the impact on residents. Therefore, every meeting between consultants, the builders and whomever is always around the business case. Between the original business case that was signed off on, the date of which we are going to get, and the one for a 38,000 capacity that was submitted, are there any substantial differences other than seating capacity?

Mr Miskelly: I believe that the answer is no. The differences were a reduction in seating capacity and a minor amendment to the facilities, which, again, was around the findings from the early consultations on the project. The key aspect is that the benefits that we delivered from the business case are fully reflected, and, as you rightly point out, they are the core mandate of the team to make sure that the ongoing investment and the benefits can be delivered and realised.

Mrs McKeivitt: This has been going on for some time, probably even from before the remit of the original Committee from 2011. Therefore, there are no other differences between the cases for 42,000 and 38,000, other than small ones.

Mr Miskelly: Minor amendments, perhaps to some of the internal facilities, such as handball courts, and so on. Minor finessing, for want of a better word. I will write directly to the Committee and provide that information.

Dr McMahon: It is worth setting that in context. It is not unusual to have a series of business cases. Again, I am not a technical expert, but I have experience of capital programmes. What usually happens is that you start off with a strategic outline context and move through various different levels. Usually the outline business case is the key one, because that is the economic appraisal that gives you approval to spend money.

Mrs McKeivitt: Sorry, the what?

Dr McMahon: The outline business case is normally the key stage, as it is when you agree the amount of the programme and what is going to be in it. The thing about that is that, quite often — for example, in hospitals programmes and other areas — you get people revising it because a new set of circumstances arises or a new set of guidance about what needs to be done comes in. It does not surprise me, in a sense, to hear that there was a series of stages, that the project developed through those stages and that the numbers changed.

However, I think it is a very fair question to ask: what were the key factors between those different stages? If we can have a look at the timeline and perhaps get a bit more through, we may find that there may well be a number of different iterations of that business case.

Mr Miskelly: There were, but I think that it is true to say that the underlying reason for the move down was a GAA-led initiative responding to the consultations and the concerns at the time around the capacity of over 40,000.

Mrs McKeivitt: Yes, but it was not done on the basis of safety advice that was given at any time.

Mr Miskelly: No, absolutely.

Mrs McKeivitt: That is the difference. I understand that different building regulations come in right throughout projects, but it goes on the original plan. If somebody built a house 10 years ago and did not have a final building certificate but only a temporary one, that person would not have to put in a ramp that was not in the original plan but that might be required today. I am trying to find out about any safety advice that was given on the original 42,000 business case. Could that still have been

followed through in different stages of the business case that led to the 38,000 capacity? That is what I am trying to get at. The safety advice that was given would have been very similar.

Mr Miskelly: All that we seek is consistency.

The Chairperson (Mr McCausland): At the start, David Hilditch said he would like to come back in.

Mr Hilditch: Thanks, Chair, for the opportunity. For clarification, you said a 42,000-capacity stadium "in the area".

Mr Miskelly: At the Casement Park site. Apologies. I clarify that.

Mr Hilditch: OK, thank you. For the 42,000-seater stadium, was any advice given relating to the demolition of local houses and on safety elements?

Mr Miskelly: It would have involved the full demolition — as does the current scheme — of certainly the Casement Park site. The GAA can develop only what is within its red line and site ownership.

Mr Hilditch: Were the design people able to get their exits and whatnot to deal with 42,000 people without interfering with other people's property?

Mr Miskelly: That would have been at the early stages. These are technical comments from a body based on very early stage proposals.

Mr Hilditch: Very early stage proposals?

Mr Miskelly: If the question was, "Is it possible to develop Casement Park at that time to a capacity of x?", the answer that came back was yes.

Mr Hilditch: Very early. OK. It just grows and grows, to be honest. I do understand the stand-alone process for planning and safety, but to construct a 38,000-seater stadium and spend at this stage some £7 million, only then to be told that it could have a 14,000- or 16,000-capacity certificate is absolute madness.

Mr Miskelly: I am not sure about the 14,000 or 16,000 capacity. That is —

Mr Hilditch: Was there not a charity game last year that brought figures into play?

Mr Miskelly: No. There was the "Match for Michaela", I believe, with an 18,000 capacity. I take the opportunity to stress that the 38,000 figure is for maximum capacity.

Mr Hilditch: It was a disaster. There were cars parked on the motorway and whatnot, as you know.

Mr Miskelly: Throughout the judicial process, that information has been not only through the courts but in the public domain. The 38,000 capacity is not the steady state of operation of the stadium. Any large-scale event — the MTV concerts in the slipways and so on — brings a unique set of operational responses. In such areas, there is one road in and one out.

I take confidence that there is the expertise within Northern Ireland plc that can operationally respond to such events and requirements. All we are looking to be built in is, first, that within the structures, the design is capable within the constraints of the site and, secondly, to continue the work in conjunction with the safety technical group so that operational responses to facilitate the one-off capacity events can be accommodated.

Mr Hilditch: Media reports say that you are way off the mark at this stage. Information that they have seems to point that way.

Mr Miskelly: I would just note for the Committee that there has been an ongoing campaign in respect of the judicial review.

Mr Hilditch: Other people will question it at some stage.

Mr Miskelly: Absolutely. I can only —

Mr Hilditch: If there were difficulties with the safety advice, Rory, would it have been possible to bring in a national body that oversees the rest of the United Kingdom in relation to safety issues?

Mr Miskelly: We certainly left — Sport NI is in agreement — the ability to call, as and when required, on further independent expertise. I support that.

Mr Hilditch: You mentioned that you were chasing up those matters until the end of 2014.

Mr Miskelly: Detailed discussions on this have been going on for the past couple of months and will conclude very shortly.

Mr Hilditch: Maybe this is a question more for DCAL officials. There was a get-together around 12 December: is there a minute of that meeting?

Ms Smith: There were action points agreed at that meeting.

Mr Hilditch: Was there a minute of that meeting?

Ms Smith: Action points.

Mr Hilditch: Sorry, was there a minute of that meeting?

Ms Smith: It depends what you define as "a minute". A minute would be —

Mr Hilditch: Is there a proper minute of the meeting?

Ms Smith: An action point sheet was produced as a result of that meeting. It has been an ongoing process. It was not a one-off. Action points were agreed. Subsequently, we have been liaising —

Mr Hilditch: Surely they were put together at the end of the meeting in relation to the minute that was taken. Is there a minute of the meeting?

Ms Smith: The action points are the minute.

The Chairperson (Mr McCausland): Sorry, I think what he is asking is whether there was a note of the meeting, a minute of the meeting.

Ms Smith: There was a note with action points.

Mr Hilditch: Will that be in the minutes that we will receive shortly from you?

Ms Smith: You have not asked for it, but we are happy to provide it.

Mr Hilditch: We have asked for it.

Mr Miskelly: I believe —

Ms Smith: No, sorry, just to be clear: that was not a meeting of the safety technical group.

Mr Hilditch: Maybe there are more minutes we need to ask for.

The Chairperson (Mr McCausland): That could well be.

Mr Miskelly: We will happily include that, Chair.

The Chairperson (Mr McCausland): If there are other minutes of meetings that are not strictly a formal meeting of the safety technical group but are relevant, it is simpler all round just to put them in the one pack. Otherwise, somebody will read something, and say, "Oh, that refers to that", and then they are back, and it just becomes prolonged and drawn-out. If you just put everything in the pack, that would be helpful.

Basil has promised faithfully that he will ask only one question.

Mr B McCrea: And a couple of sub-questions maybe. I want to change the subject slightly. In the information that was provided to the Committee, there is a reference to a document entitled 'North West Cultural led Economic and Social Development' which was published in June 2014. Was that presented to the Committee at any stage? If not, why not?

Dr McMahon: The simple answer to that is that I do not know if it was presented to the Committee.

Ms Smith: It was certainly published in June 2014. I also know that, through Joanna McConway, we have given the Committee detailed briefings, most recently when you were up in the north-west.

Mr B McCrea: Joanna's briefing was on 5 March 2015, whereas this was published in June 2014. The specific question I have relates to a quote from the briefing note, which states:

"However, due to wider financial pressures, this approach was deemed an unaffordable proposition."

Therefore, there was a reduced programme. Will you explain to me how, in 2014-15, the Minister of Education was able to provide DCAL with £1 million of resource DEL to address pressures in that regard?

Dr McMahon: I suppose that it is to be welcomed that one of the things about DCAL's budget is that we are not necessarily a big player in budgets across Departments. One of the things that we will have to look at and that I will certainly want to continue to look at is how we form partnerships with other Departments and organisations to get as much —

Mr B McCrea: What I am interested in is that the Minister of Finance and Personnel explained to me about in-year monitoring, which you have included in the detail of your brief. How was it possible to have an interdepartmental transfer between the Department of Education and the Department of Culture, Arts and Leisure without going through the monitoring rounds?

Dr McMahon: OK. I am not sure what the technical —

Ms Smith: We will certainly follow that up with a detailed description of that technical process. I want to assure the Committee that that was absolutely in keeping with the priorities that were set in delivering the legacy of City of Culture. As we all know, we are absolutely committed to building on the legacy of the City of Culture year in 2013. All the evidence shows that to further build on that investment is absolutely important to deliver wider social and economic benefits.

Mr B McCrea: I would like you to come back on that. The Chair has asked me to be brief, so we will deal with it again.

My final question, which I raised before in the Committee, is on the capital spend. I think that the period 12 rejection is for £12 million of capital. You are sitting at, I think, 63% or 64% of capital expenditure: will that capital expenditure be met in this financial year, or is that £12 million associated with Casement Park and other issues?

Ms Smith: For clarification, the Committee has been briefed on the shortfall of DCAL's capital budget in 2015-16. As you know, that is one of the reasons why we have not been able to support some other capital projects that we would very much like to. We have been focusing on contractual commitments. We will be bidding and have been liaising closely with DFP officials.

Mr B McCrea: You have a projected capital spend of £12 million in the period 12: what is that £12 million?

Mr Miskelly: I imagine that part of it would be the balance of the Windsor Park, the small balance of the Ravenhill and the further development costs in respect of Casement Park. The stadia programme would be included in that number, but that number would not be exclusively for the programme.

Mr B McCrea: I would like us to come back to that issue.

The Chairperson (Mr McCausland): Because of the developments in recent days, there was very much a focus on stadia issues today. As you know, there were other things about departmental funding, the future functions or DCAL and so on that members wanted to ask about. If you were agreeable, I suggest that we have a further discussion on another day about those specific things. That will allow us to deal with the functions and the finances as we do not have time to do that today. If you are happy enough, that would be great.

One last question from Oliver.

Mr McMullan: Very quickly. Do we know who will pay for Windsor Park?

Mr Miskelly: Sorry, was your question about who will pay for Windsor Park?

Mr McMullan: Yes.

Mr Miskelly: The IFA has proceeded with the instruction for preparing for the demolition of the west stand on the basis of advice from its insurers. Its insurers have liaised with other insurers of interested parties. There will be no cost to the public purse. It is an insurance matter.

The Chairperson (Mr McCausland): OK. Thanks very much indeed.

Mr McMullan: It is totally an insurance matter. That is good.

The Chairperson (Mr McCausland): I appreciate the information. Even if there is some conflict about who was at the meeting, I would appreciate it if you could get the other information to us ASAP.