

MINUTES OF THE EIGHTY THIRD MEETING OF THE MANAGEMENT COMMITTEE OF ARMAGH OBSERVATORY AND PLANETARIUM HELD ON 23 JUNE 2011 AT 10.30 A.M. IN THE BOARDROOM, ARMAGH OBSERVATORY

- Present: His Grace, The Most Reverend A.E.T. Harper (Chairman), Dr F. Byrne, Mr B. Hannam, Archdeacon R. Hoey, Dr M. McKay, Professor R. Oudmaijer, Mr S. Shields and Mrs P. Wilson
- Apologies: Mr E. Donnelly, Professor P. Dufton, Professor A. Hibbert, Professor M Merrifield, Mr A. Peoples and Professor T. Ray
- In attendance: Professor M. Bailey, Dr T. Mason, Mr J. Copeland and Professor S Jeffery (Item 6)

1. CHAIRMAN'S BUSINESS

- 1.1. The Chairman welcomed Mr Copeland to his first Management Committee meeting.
- 1.2. The Chairman asked that a letter be sent to Mr Young on his retirement.
- 1.3. Members of the Committee confirmed that there were no conflicts of interest arising from the matters to be discussed at the meeting. Mr Hannam declared an interest in the asset management exercise that was being conducted by his employer, Strategic Investment Board, on behalf of all Government departments.

2. MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD ON 17 FEBRUARY 2011

- 2.1. The minutes of the meeting were approved and signed by the Chairman as a correct record of the meeting.

3. MATTERS ARISING FROM THE MINUTES

Professor Bailey, Dr Mason and Mr Copeland referred to the following matters:

- 3.1. Minute 3.1 - The personnel matter is dealt with in the report of the Audit and Risk Management Committee (ARMC).
- 3.2. Minute 4.6 – the naming of the telescope remains under review.
- 3.3. Minutes 4.8 and 4.35 – The Joint Administrator started work in the Observatory and Planetarium on 1 April 2011. The title of the post will remain unchanged until the next recruitment exercise.
- 3.4. Minute 4.15 - Professor Bailey tabled a paper on the status of the Sharp clock. The issue remains under investigation.
- 3.5. Minute 4.20 – the issue of whether the equal pay compensatory sum applies to Observatory and Planetarium staff remains unresolved.
- 3.6. Minute 4.20 – For Whole of Government Accounts purposes, the Observatory has been classified as a “Minor Body” and the Planetarium has been classified as a “Small Body”.
- 3.7. Minute 4.33 – the Digistar 4 update is covered in Dr Mason’s report.
- 3.8. Minute 6.1 – Observatory main building – Professor Bailey reported that he is waiting advice from Property Services, Central Procurement Directorate, on consultations with NI Environment Agency (NIEA) on the maintenance of the Observatory main building and other heritage assets. Mrs Wilson asked that Professor Bailey contact Helen Hossack of NIEA to seek her advice on heritage asset maintenance issues.

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- 3.9. Minute 6.1 – DCAL review of asset management – the review by the Strategic Investment Board (SIB) had been completed in May 2011. Both Professor Bailey and Dr Mason had emphasized to DCAL and SIB that assets were under the ownership of the Board of Governors of Armagh Observatory and Planetarium.

4. DIRECTORS' INTERIM REPORTS AND RISK REGISTERS

Professor Bailey referred to the following matters in his report:

- 4.1. Details of the Observatory's Key Performance Indicators (KPI) and trends in various performance indicators for past years are detailed in the Report.
- 4.2. Armagh Robotic Telescope - Simon Jeffery and telescope technician Jack Wright obtained their first images of deep-space objects using the new Armagh Robotic Telescope at Armagh Observatory on the evening of 1 February 2011.
- 4.3. Opening of the Armagh Robotic Telescope - The new telescope was formally opened during a short ceremony at the Observatory held on the morning of 2011 March 4. Amongst the invited guests present was a representative from the Department of Culture, Arts and Leisure, Mr. Alastair Hughes (Head of Libraries and Museums Branch), on behalf of Minister Nelson McCausland, as well as the Mayor and Deputy Mayor of Armagh City and District Council, the Joint Secretaries of the North/South Ministerial Council, astronomers from Queen's University Belfast and the Dublin Institute for Advanced Studies, and representatives from the Irish Astronomy Society and the Irish Astronomical Association.
- 4.4. Other Capital Projects - Following the Observatory's award of additional in-year Capital funding, it now has a robust online data storage facility with a capacity totaling 80 Terabytes (TB).
- 4.5. DCAL Grant for Financial Year 2011/2012 - Following the announced draft budget, the organization (i.e. both Observatory and Planetarium) has been awarded a total of £1,953k resource funding for 2011/2012 and zero capital funding. For 2011/2012 the breakdown of non-cash costs between the two sides of the organization is estimated as £275k for the Planetarium (corresponding to Depreciation costs of £231k and Pension costs of £44k) and £200k for the Observatory (corresponding to Depreciation costs of £119k and Pension costs of £81k). The Directors have agreed that the remaining revenue (i.e. cash) budget should be split so that the Planetarium receives £463k and the Observatory £1015k - this is close to the historic split between the two sides of the organization.
- 4.6. Staff and Staff Movements - (a) Research Astronomer C. Simon Jeffery - has been granted the prestigious title of Adjunct Professor at Trinity College Dublin for an initial three-year period commencing January 2010, (b) Ms. Alison Neve - successfully passed in March 2011 the Integrated Accounts examination for the Sage Line 200 system, another part of her Accounting Technicians Ireland (ATI) course. (c) Three PhD students, David Perez Suarez, Patrick McCafferty and Tom Barclay have completed the necessary work for their Doctorates, (d) James Finnegan has been appointed to a 6-month FTE fixed-term position of Research Technician (Radio Meteor Detection) with effect from 1 June 2011, (e) Five new PhD Students, largely externally funded, will start at the Observatory with effect from September/October 2011, subject to their obtaining satisfactory qualifications and/or visas enabling them to work at the Observatory as full-time postgraduate students and (f) Three QUB-registered postgraduate students successfully passed the QUB differentiation process during 2011, allowing them to move on to the QUB PhD programme.
- 4.7. Training – (a) The majority of academic staff and PhD students attended an EEF Recruitment and Selection training course on 22 February 2011 and (b) The majority of the Observatory's PhD students attended a three-day course "Introduction to Modern Fortran" in the Observatory Library in February 2011 given by Alastair McKinstry (ICHEC) Galway Office.

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- 4.8. Visitors – (a) The Observatory hosted a visit for the Chilean Ambassador to the United Kingdom, on the morning of 8 March 2011. The Ambassador was accompanied by the Minister Counsellor of the Embassy of Chile, Lord Ballyedmond, the Mayor and Chief Executive of Armagh City and District Council, Councillor and other guests and (b) The first 2011 meeting of the SALT Board took place in Armagh from 25–27 May 2011, preceded by an initial SALT Science Workshop to review science operations accomplished with the repaired telescopes and instruments.
- 4.9. Museum, Library and Archives – (a) The Observatory is now hosting the Armagh Public Library web-site and on-line catalogue, (b) an experimental ‘Virtual Tour’ of the Boardroom, the Lobby and the Human Orrery has been completed and the feasibility of extending this approach to widening public access to the historic domes is being investigated, (c) Arrangements are in place to proceed with the loan of the Thomas Short reflector to the National Maritime Museum, London.
- 4.10. Conservation and Documentation – (a) Further work by the Archivist of the Armagh Public Library, Thirza Mulder, on a largely externally funded joint project to improve the documentation and storage conditions of the historic library, archive and astronomical museum collection has been completed, and (b) The Observatory Archivist has continued to customize the Omeka web-publishing software through which information on the collections will be made available to members of the public.
- 4.11. Science in the Community, Public Lectures, Special Events and Other Activities – (a) The Observatory has continued to provide an active programme of school work experience, (b) Approximately 95 people attended the Observatory’s two public lectures on astronomy on St. Patrick’s Day, 2011, (c) On the afternoon of the same day the Director led a group of approximately 25 people on a tour of the Observatory Grounds, Astropark and Human Orrery, (d) The third cross-border Schools Science Conference, organized by the Armagh Observatory and the Centre for Cross Border Studies together with the assistance of the Royal School Armagh and the Armagh Planetarium, took place on 5–6 May 2011. In total, approximately 250 students participated in this two-day meeting, (e) The Observatory hosted the first meeting of the VLT-FLAMES consortium on 30 May and 1 June. The acronym FLAMES means ‘Fibre Large Array Multi-Element Spectrograph’, and the instrument has the capacity to access targets over a field of view nearly as large as that subtended by the full moon. Approximately 25–30 European astronomers attended the meeting, coming from countries such as Germany, Spain, Bulgaria, the Netherlands and the UK, with some delegates travelling also from the Space Science Institute in Baltimore, USA, (f) Approximately 30 staff, students and visitors attended an open seminar and public lecture at the Observatory on the morning of 6 June 2011. The lecture, “Unravelling Starlight: The Crucial Role of Thomas Romney Robinson”, was delivered by Dr. Barbara Becker, from the History Department, the University of California at Irvine, Irvine, USA, and (g) The Observatory’s involvement with University of Ulster Associate Lecturer in Sculpture, Aisling O’Beirn, helped to inform her artistic contribution to the Group Show Exhibition “Secret Satellites”, which was displayed at ‘Belfast Exposed’ in March/April 2011. Mark Bailey and Aisling O’Beirn led a discussion and gave talks about their work involving astronomy and space science to a general audience at ‘Belfast Exposed’ on the afternoon of 12 April 2011, the 50th anniversary of the first human spaceflight, by Russian cosmonaut Yuri Gagarin.
- 4.12. Observatory Building, Grounds and Astropark – (a) Two original panes of glass were accidentally damaged during the week beginning February 2011 by window cleaners commissioned by CPD, (b) One pane in the staffroom window facing north is badly cracked and a large section of the other pane, in the Troughton Dome window facing south, fell through into the dome. This broken piece has been retained. Advice on possible repair/cosmetic work is pending, (c) Repointing work to the steps at the front of the main entrance was deemed to be unsatisfactory and this matter is also to be raised with CPD.

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- 4.13. Under Governance and Accountability matters, Professor Bailey referred to the following matters:
- Armagh Observatory and Dublin Institute for Advanced Studies (DIAS), Lindsay Scholarship and Stokes Computer Access - The Director has agreed with his opposite number in DIAS a Memorandum of Understanding concerning the Lindsay Scholarship programme and the Observatory's access to the Stokes super-computer. The Management Committee was requested to ratify the Memorandum of Understanding between the Armagh Observatory and the School of Cosmic Physics, Dublin Institute for Advanced Studies;
 - Risk Register - The most recent version of the risk register (9 June 2011) was included for members' information and comment;
 - Quarterly Assurance Statement - A draft copy of the Director's Quarterly Assurance Statement for DCAL for the quarter ended 30 June 2011 was included for members' information and comment;
 - Equal Pay Claim - There remains an unresolved issue concerning whether the compensatory sum, backdated six years from January 2009 in the agreement on Equal Pay reached by the Northern Ireland Civil Service (NICS) Management and the Trade Union Side in December 2009, applies to Armagh Observatory staff on the same pay scales as those NICS staff covered by the agreement. The corporation is working with the DCAL to obtain both a resolution to and funding for this exceptional situation;
 - Changes in Employment and Related Legislation – (a) In November 2008, the European Council formally adopted the Temporary Agency Work Directive that affords agency workers equal treatment in respect of basic working and employment conditions. Member states have until 5 December 2011 to implement the Directive, (b) From 6 April 2011 the rules that govern the necessity of employees to retire at age 65 have been replaced by the Employment Equality (Repeal of Retirement Age Provisions). These new regulations will phase out the default retirement age of 65 over the next 14 months;
 - Changes in Employment and Related Legislation: Social Media Sites - Recent Court and Industrial Tribunal findings have emphasized that employers can be liable for discriminatory or defamatory comments posted by employees on social media sites such as Facebook and Twitter. Improper or incorrect postings or unauthorized disclosure of confidential information on social media sites of information obtained in the course of employment raises the risk of potential damage to an employer's reputation and punitive damages. In light of Industrial Tribunal findings the corporation's policies will have to be reviewed;
 - Health and Safety - there have been no reportable accidents since the last meeting of the Management Committee and all regular maintenance and routine inspections have been carried out;
 - Business Plan 2011/2012 - The Observatory's draft Business Plan for 2011/2012 was presented to the DCAL on May 11 2011, the date of the most recent Governance and Accountability meeting, and subsequently circulated to all Observatory staff as well as to members of the Management Committee and Board of Governors.
 - Annual Report 2010 – The Annual Report for calendar year 2011 and Financial Year 2010/11 was completed during May and placed as a .pdf dated 17 May 2011 on the Observatory web-site and circulated widely both electronically and in hard copy.

Dr Byrne proposed that the Management Committee ratify the Memorandum of Understanding between the Armagh Observatory and School of Cosmic Physics, Dublin Institute of Advanced Studies to manage the access to the Stokes computer systems by ICHEC. This proposal was seconded by Archdeacon Hoey and agreed by members.

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In response to members' queries on the effect of the Agency Workers Regulations, Mr Copeland advised members that the main issue concerned the continued employment of an Assistant Groundsman through Rutledge employment agency. Any changes to that person's employment status would require a business case to DCAL and the negotiation of a transfer fee from Rutledge.

Members discussed the implications of the abolition of the default retirement age. Mr Copeland was asked to investigate the issue of the ability of employees to pay pension contributions after their 65th birthday with NILGOSC.

The Chairman asked that a letter of congratulation be sent to Ms Neve on the successful passing of her Accounting Technicians Ireland (ATI) examinations.

Dr Mason referred to the following matters in his report:

- 4.14. Details of the Planetarium's Key Performance Indicators (KPIs) are detailed in the Report. Visitor numbers targets for 2011/12 were set at 35,000. This was a realistic target given that most tourist attractions were experiencing a reduction in visitor numbers due to the recession and increased transport costs. The franchised café was still receiving significantly low visitor satisfaction ratings.
- 4.15. Mr. Eamon Rafferty successfully passed the Integrated Accounts examination for the Sage Line 200 system, another part of his Accounting Technicians Ireland (ATI) course.
- 4.16. As Past President of the International Planetarium Society (IPS) the Director will attend an IPS conference in the last week of June 2011 hosted by the Planetarium Science Centre in Russia. The conference will attract 350 delegates from all over the world.
- 4.17. The Director articulated his concerns about perceived inefficiencies, charges and separation of duties in conflicts of interest issues surrounding the mandatory use of Central Procurement Directorate (CPD) to procure and deliver services for the Planetarium.
- 4.18. A number of marketing initiatives are being undertaken to increase visitor numbers. These included working with Armagh City and District Council (ACDC) to promote Armagh and joint ticketing and reduction offers with supermarket chains.
- 4.19. The Planetarium's Facebook site had been closed due to the posting by external users of inappropriate images.
- 4.20. Corporate and Accountability matters referred to by Professor Bailey were also applicable to the Planetarium. In addition to Professor Bailey's information, Dr Mason reported on the following Corporate and Accountability matters pertaining to the Planetarium:
 - A claim for unfair dismissal by a Planetarium employee against the Governors of Armagh Observatory and Planetarium has been lodged with the Office of the Industrial Tribunals. All of the files relating to the discipline and dismissal are with the Engineering Employers' Federation (EEF NI) whose lawyer had advised us during the time that the disciplinary process was taking place. The cost of defending this case would be met from the annual retainer fee paid to EEF NI;
 - An additional member of staff, Tracy McConnell, had passed her First Aid exams. This increases the number of qualified first aid officers to two;
 - The Education Support Officers (ESO) have all been confirmed as permanent staff members;
 - The Planetarium Risk Register is included in the Report. The risk associated with the ageing projection equipment is now decreased with the installation of Digistar 4 equipment;
 - There are no Health and Safety issues to report.
 - The Planetarium's Business and Strategic Plans had been submitted to DCAL.

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Professor Oudmaijer and Dr McKay congratulated those staff involved in the securing of funding, installation and reopening of Digistar 4. Dr Mason advised that there were some teething problems with Digistar 4 and that the formal opening would involve the Chair of Armagh City and District Council.

The Chairman asked that a letter of congratulation be sent to Mr Rafferty on the successful passing of his Accounting Technicians Ireland (ATI) examinations.

5. REPORT OF THE CHAIR OF THE AUDIT AND RISK MANAGEMENT COMMITTEE (ARMC)

Dr Byrne tabled a report of the ARMC meeting held on 17 June 2011 and referred to the following matters:

- 5.1. The papers submitted to the last meeting of the ARMC on 17 June 2011 are included in the Committee papers.
- 5.2. The External Audit, carried out on behalf of the Northern Ireland Audit Office (NIAO) by PricewaterhouseCoopers LLP (PwC) is now complete.
- 5.3. The Comptroller and Audit General, Mr. Donnelly, of NIAO will give an **unqualified** opinion in his report to those charged with governance on the draft Annual Report and Annual Accounts for 2010/2011 subject to the outcome of an issue identified by NIAO for all government bodies in Northern Ireland. This relates to the valuation of land and buildings by Land and Property Services, an Executive Agency of the Department of Finance and Personnel, that would reduce the value of corporation's assets included in the Annual Accounts. The potential qualification does not require any changes to the information and income and expenditure presented to ARMC and Management Committee.
- 5.4. Minor presentational changes, including a revision of the Comptroller and Auditor General's Certificate and Report to the Northern Ireland Assembly, will have to be implemented and DCAL Governance Support Unit will prepare a submission to DCAL Permanent Secretary seeking formal approval of the Annual Report and Annual Accounts for submission to the Northern Ireland Assembly.
- 5.5. NIAO raised two Priority 1 and one Priority 2 matters in the report:
 - Priority 1 - Pension payments on behalf of staff – the Corporation pays a portion of employee's contribution to NILGOSC pension scheme for three staff. This payment has been ongoing for a considerable period and there is a risk that this practice may have HMRC implications and indicate a breach of HMRC regulations. This issue was also raised in the 2009/2010 NIAO report.
 - Priority 1 - Equal pay lump sum compensatory payment – the Corporation has included a contingent liability of £73,000 in respect of six staff who were paid as a result of the NI Civil Service equal pay settlement and who may be entitled to the same lump sum compensatory payment afforded to NI Civil Service staff.
 - Priority 2 – Employee dismissal – an employee was dismissed for gross misconduct following the application of the Planetarium's disciplinary procedure and the dismissal was upheld following an appeal. Although notification of a Tribunal claim has not been received, it is anticipated that there will be litigation. It is expected that any such claim can be successfully defended.
- 5.6. A Business Case has been submitted to DCAL on the equal pay same lump sum compensatory payment afforded to NI Civil Service staff. DCAL will not be putting this bid forward for consideration to DFP. DCAL has advised "that the lump sum element that was awarded to those staff in the NICS was as a result of negotiations between that group of staff and management. This does not imply that the same agreement would automatically apply to any other groups of staff in Arms Length Bodies (ALBs)".
- 5.7. A response is awaited from DCAL on the subsidised pension contributions issue.

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- 5.8. A claim for unfair dismissal by a Planetarium employee against the Governors of Armagh Observatory and Planetarium has been lodged with the Office of the Industrial Tribunals. All of the files relating to the discipline and dismissal are with the Engineering Employers' Federation (EEF NI) whose lawyer had advised us during the time that the disciplinary process was taking place.
- 5.9. A Business Case has been submitted to DCAL on increased depreciation charges (approx. £30,000) that will be incurred in 2011/2012 as a result of the large capital investment made in 2010/2011. A response on the submission is awaited.
- 5.10. The recommendations arising from the 2010/2011 Internal Audit were fully considered by ARMC. The Internal Audit assurances for all areas examined were satisfactory. The ARMC was satisfied with the assurances given and the management responses to the Internal Audit recommendations.
- 5.11. The recommendations of the ARMC meeting of 17 June 2011 are:
 - 1) The Management Committee adopt the Annual Report and Annual Accounts for 2010/2011, subject to the incorporation of minor amendments.
 - 2) The Management Committee note that the Annual Accounts for 2010/2011 are at this stage unqualified but issues identified by NIAO on the valuation of land and buildings by Land and Property Services, an Executive Agency of the Department of Finance and personnel, that would reduce the value of corporation assets included in the Annual Accounts may result in a qualified audit opinion.
 - 3) The Management Committee authorise the Directors of the Armagh Observatory and the Armagh Planetarium to sign the accounts for issue to the Northern Ireland Assembly when DCAL permission is received to progress to that stage.

After further discussion of the ARMC report, the Committee agreed that:

- 1) The Management Committee adopt the Annual Report and Annual Accounts for 2010/2011, subject to the incorporation of minor amendments.
- 2) The Management Committee note that the Annual Accounts for 2010/2011 are at this stage unqualified but issues identified by NIAO on the valuation of land and buildings by Land and Property Services, an Executive Agency of the Department of Finance and personnel, that would reduce the value of corporation assets included in the Annual Accounts may result in a qualified audit opinion.
- 3) The Management Committee authorise the Directors of the Armagh Observatory and the Armagh Planetarium to sign the accounts for issue to the Northern Ireland Assembly when DCAL permission is received to progress to that stage.
- 4) Directors will also send the Annual Report and Accounts to the Board of Governors for their comments prior to formal signature.

These recommendations were proposed by Dr Oudmaijer and seconded by Dr McKay and agreed by the Committee.

6. PRESENTATION OF RESEARCH

Professor Simon Jeffery delivered a short presentation on the work of his research group entitled "The Last Stages of Stellar Evolution" and observational astronomy at the Observatory. After questions the Chairman thanked Dr Jeffery for his presentation, which he had found very valuable. Such occasions provide an opportunity to demonstrate to DCAL the excellence of the Observatory's research staff and their work.

The Chairman also congratulated Professor Jeffery on his appointment as Adjunct Professor of Astronomy at Trinity College Dublin, Department of Physics.

(Mr. Shields and Archdeacon Hoey left the meeting at 12.40 pm and 12.50 pm, respectively)

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7. ANY OTHER BUSINESS

- 7.1. Mrs. Wilson asked that a letter be sent to Armagh City and District Council to ask that maintenance work be carried out on the Meridian Markers in the Council area.
- 7.2. Dr McKay advised members that the European Space Agency Director of Science and Robotic Exploration, David Southwood, had retired on 30 April 2011. His replacement is Alvaro Giménez. Dr McKay suggested that the new Director should be invited to visit the Observatory and Planetarium.
- 7.3. Dr Mason advised members that a Summer 2011 GCSE English Language paper set by NI CCEA had used a Planetarium marketing brochure without obtaining copyright permission. In addition the CCEA paper contained disparaging and derogatory views about the quality of the Planetarium's attractions and facilities. CCEA had asked for retrospective copyright permission to use the Planetarium's marketing brochure. Dr Mason was seeking legal advice on the matter and was asked to copy the CCEA paper to members for information.
- 7.4. Professor Bailey advised that the Chairman of the Ulster History Circle (UHC), Mr Chris Spurr, had approached him with a request to discuss the possibility of attaching a blue plaque to one of the Observatory buildings to celebrate the achievements of the Observatory's third Director, Dr. Thomas Romney Robinson. Extensive discussion took place on the merits of attaching a blue plaque on an Observatory building. Professor Bailey undertook to correspond with Management Committee members on the matter and would provide a summary report for the next meeting of the Management Committee.
- 7.5. The ratification of the Employment Conditions and Remuneration Committee section of the corporation's Policies and Procedures was deferred until the next meeting.

8. DATE OF THE NEXT MEEETING

The next meeting will be on 17 November 2011 starting at 10.30 am.

The meeting ended at 1.20 pm.

Signed as a true record of the Meeting

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His Grace, The Most Reverend A E T Harper OBE BA
Chairman of the Management Committee

Dated: 17 November 2011