



Northern Ireland
Assembly

Committee on Standards and Privileges

Minutes of Proceedings

26 May 2021

Meeting Location: Assembly Chamber, Parliament Buildings

Present by Video or Teleconference:

Ms Pam Cameron MLA
Mr Declan McAleer MLA
Mr Patsy McGlone MLA
Mr George Robinson MBE MLA

Present:

Dr Steve Aiken OBE MLA
Mr Stewart Dickson MLA
Mr William Irwin MLA, (Deputy Chairperson)
Mr Sean Lynch MLA

Apologies:

Ms Sinead Ennis MLA (Chairperson)

In Attendance:

Mr Shane McAteer (Assembly Clerk)
Ms Marie Austin (Senior Assistant Clerk)
Mr David McClure (Assistant Clerk)
Mr Jim Nulty (Clerical Supervisor)



Northern Ireland
Assembly

In Attendance by Video or Teleconference:

Ms Alison Ferguson (Clerical Officer)

The Deputy Chairperson took the Chair in the absence of the Chairperson.

Agreed: The Committee agreed to commence the meeting in closed session.

The meeting commenced at 12.46pm in closed session.

1. Apologies

As noted above.

2. Declaration of Interest

Members were advised of the ongoing requirement to declare relevant financial or other interests as and when they arise on the Committee.

Steve Aiken declared interests in being subject to a complaint and having raised a complaint.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 28 April 2021.



Northern Ireland
Assembly

4. Matters Arising

- **Decisions made under Standing Order 115(9)**

Noted: The Committee noted that, under temporary Standing Order 115(9), the Committee agreed, via correspondence on 6 May 2021, to follow the practice of its predecessors in terms of ensuring adequate disclosure during the complaints process.

- **Letter to All-Party Group (APG) on Congenital Heart Disease**

Agreed: Following a request from Mr Roy Beggs MLA, Vice Chairperson of the APG on Congenital Heart Disease, the Committee agreed to grant an extension to 30 June 2021 for a response from the APG on matters raised by the Committee in relation to the continued vacancy in the position of Chairperson of the Group.

- **Social Media Training for Members**

Members discussed the planned Member developments sessions on 'Protecting Your Social Media Reputation', which was being offered to all MLAs at the request of the Committee.

Agreed: The Committee agreed that Committee members will respond via their respective parties to this opportunity.

Agreed: The Committee agreed that the Committee Secretariat will enquire whether, in the event of the upcoming sessions being oversubscribed, further sessions could be offered in future.

- **Committee member development programme**

Members were reminded that the remaining development sessions on the Committee's adjudication role will run from 12:15 to 2:15pm on 9 June 2021, 16 June and 30 June 2021.



Northern Ireland Assembly

5. Procedures for investigating complaints against Ministers – Assembly Legal Advice

Members received briefings from the Committee Secretariat and from Assembly Legal Services on this agenda item.

Members discussed draft amendments to the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2016 ('the General Procedures Direction'). The purpose of the amendments would be to establish procedures for the Commissioner for Standards to follow when investigating complaints of alleged breaches of the Ministerial Code of Conduct which align with the procedures for the investigation of complaints of alleged breaches of the Assembly Members' Code of Conduct.

Member also discussed issues relating to the relevant date from which alleged misconduct by Ministers could be investigated by the Commissioner for Standards.

Agreed: The Committee agreed to defer its decision on the proposed amendments to the General Procedures Direction until the next Committee meeting, when it would also consider the options on the relevant date from which alleged misconduct by Ministers could be investigated by the Commissioner for Standards.

Agreed: The Committee agreed that the Clerk will write to the Department of Finance to enquire as to the purpose of the provision in the Main Estimates 2021-22 for £5K in respect of a 'Ministerial Panel exercising functions of future Commissioners of Ministerial Standards' and how this aligns with the provisions in section 5 of the Functioning of Government (Miscellaneous Provision) Act (Northern Ireland) 2021.

6. Commissioner's Annual Report 2020-21

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on this agenda item.

Members were advised that the annual report remains embargoed until the Commissioner publishes it on 27 May 2021.



Northern Ireland Assembly

Agreed: The Committee agreed to write to the Secretary of State, in light of the applicable provisions in clause 4 of the Northern Ireland (Ministers, Elections and Petitions of Concern) Bill introduced in the House of Commons on 12 May 2021, to highlight the issue raised in the Commissioner's Annual Report regarding the urgent need for clarity both on the scope of the Ministerial Code of Conduct and on where responsibility for guidance and review of the Ministerial Code of Conduct falls.

Mr Patsy McGlone left the meeting at 13:31.

Dr Steve Aiken recused himself from agenda items 7 and 8 and left the meeting at 13:36.

7. Complaint against a Member – Commissioner Investigation Report

Agreed: The Committee agreed that the briefing from the Commissioner for Standards would be recorded by Hansard.

Noted: The Committee noted that the making of a Hansard report of briefings by the Commissioner for Standards on investigation reports was a new approach in the adjudication process, which would be trialled and reviewed at the end of the mandate.

Members received a briefing from the Clerk on the Committee's adjudication role in relation to complaints of alleged breaches of the Members' Code of Conduct.

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough on this agenda item.

Mr Sean Lynch declared an interest as being a member of the Committee for Finance when the alleged misconduct occurred.

Mr Declan McAleer left the meeting at 14:13.

Noted: The Committee noted that the Member who is the subject of the complaint had indicated that they would wish to take up the Committee's offer of an oral hearing.

Agreed: The Committee agreed that the Hansard report of the briefing from the Commissioner for Standards, together with the video clips and slides used by the Commissioner during the briefing, are forwarded to the Member who is the



Northern Ireland Assembly

subject of the complaint for information and comment, as applicable, during their oral hearing.

8. Complaint against a Member – Commissioner Investigation Report

Agreed: The Committee agreed that the briefing from the Commissioner for Standards would be recorded by Hansard.

Members noted a briefing paper from the Committee Secretariat on the Committee's adjudication role in relation to complaints of alleged breaches of the Members' Code of Conduct.

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on this agenda item.

Ms Pam Cameron left the meeting at 15:01 and re-joined the meeting at 15:04.

Noted: The Committee noted a written submission from the Member who is the subject of the complaint and also noted that the Member in question had indicated that they would wish to take up the Committee's offer of an oral hearing.

Agreed: The Committee agreed that the Hansard report of the briefing by the Commissioner for Standards, together with the video clips and slides used by the Commissioner during the briefing, are forwarded to the Member who is the subject of the complaint for information and comment, as applicable, during their oral hearing.

Agreed: The Committee agreed to hold an additional meeting on Wednesday 16 June 2021 at 5pm, which would be for the purpose of holding oral hearings with the Members who are the subject of the complaints considered under agenda items 7 and 8.

Agreed: The Committee agreed that members should endeavour to attend the meeting on Wednesday 16 June 2021 in person, though the option of attending via video conference would be available.

The Clerk recused himself from the next agenda item and the Senior Assistant Clerk clerked the remainder of the meeting.



Northern Ireland
Assembly

9. Complaint against a Member – Proposed use of the Rectification Procedure

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on her correspondence dated 4 May 2021, and accompanying papers in relation to this agenda item.

Members considered a recommendation from the Commissioner for Standards that the rectification procedure be used to address the individual complaint case.

Agreed: The Committee agreed that the rectification procedure be applied to the complaint in accordance with paragraph 9 of the General Procedures Direction and Standing Order 69C. This will mean that: the letter of apology from the Member who is the subject of the complaint will be published on the Committee's webpage; the Commissioner will inform the complainant accordingly; and, the Chairperson will write to the Member in question to advise of the outcome.

Mr Stewart Dickson left the meeting at 15:20.

Committee quorum was lost at 15:20.

10. Any other business

There was no other business.

11. Date, Time and Place of the next meeting

The Committee was informed that the date for the next meeting will be Wednesday 9 June 2021 and this will run until approximately 3pm.

The meeting was adjourned at 15.21.



Northern Ireland
Assembly

**Sinead Ennis MLA,
Chairperson, Standards and Privileges Committee**

Wednesday 9 June 2021