



Committee on Standards and Privileges

Minutes of Proceedings

13 October 2021

Meeting Location: Room 29

Present by Video or Teleconference: Ms Sinéad Bradley MLA

Present: Ms Linda Dillon MLA (Chairperson)
Ms Pam Cameron MLA
Mr Stewart Dickson MLA
Ms Áine Murphy MLA
Mr Christopher Stalford MLA

Apologies: Dr Steve Aiken MLA OBE MLA
Mr Declan McAleer MLA
Mr Patsy McGlone MLA

In Attendance: Mr Shane McAteer (Assembly Clerk)
Ms Marie Austin (Senior Assistant Clerk)
Ms Karen Barry (Assistant Clerk)
Mr Jim Nulty (Clerical Supervisor)



Ms Alison Ferguson (Clerical Officer)

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 Interests

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

Members noted that Steve Aiken has recused himself from agenda items 4 and 6.

3. Draft Minutes

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

4. Matters Arising

Noted: The Committee noted a written response received from the Commissioner for Standards which confirmed that she had received independent legal advice in



relation to two investigation reports on complaints cases which were before the Committee.

Noted: The Committee noted a written response received from the Head of the Northern Ireland Civil Service, Ms Jayne Brady, confirming that prior permission for, or notification to, the relevant Permanent Secretary is not required from civil servants in relation to complaints which they make about alleged breaches of the Assembly Code of Conduct arising from the carrying out of their duties as civil servants.

5. All Party Groups (APG) Update

Stewart Dickson declared an interest as the Chairperson of the proposed APG on Diabetes.

Sinéad Bradley declared an interest as being a member of the APG on Preventing Loneliness.

- **APG on Congenital Heart Disease**

Noted: Members noted that there has been no final response to the Committee's correspondence regarding this Group's non-compliance with the Rules on APGs, including its failure to fill the Chairperson position and failure to hold an Annual General Meeting (AGM).

Agreed: The Committee agreed that, given that the APG on Congenital Heart Disease has not met for a considerable period of time and is non-compliant with the Rules on APGs, the Committee will withdraw recognition of the Group and remove it from the APG register, as per paragraph 7.3 of the Rules; but that this decision is in the understanding that an application can be made to the Committee to establish an APG on Congenital Heart Disease in the future.

Agreed: The Committee agreed to notify all members of the APG on Congenital Heart Disease of this decision.

- **APG on International Development**

Noted: Members noted that, despite several reminders, this Group had not held an AGM and that it was not complying with other Rules on APGs, including a



failure to fill the Chairperson position. It was also noted that the Group's Vice Chairperson had advised that there is no prospect of it resuming activities during this mandate.

Agreed: The Committee agreed that, given that the APG on International Development has not met for a considerable period of time and is non-compliant with the Rules on APGs, the Committee will withdraw recognition of the Group and remove it from the APG register, as per paragraph 7.3 of the Rules; but that this decision is in the understanding that an application can be made to the Committee to establish an APG on International Development in the future.

Agreed: The Committee agreed to notify all members of the APG on International Development of this decision.

- **Application for proposed APG on Funerals and Bereavement**

Noted: Members noted that notification had been received of an application for an APG on Funerals and Bereavement.

Agreed: The Committee agreed that the Secretariat will circulate further details to the Committee on the proposed APG on Funerals and Bereavement for agreement via correspondence, in accordance with Standing Order 115(9).

- **Application for proposed APG on Diabetes**

Noted: Members noted that notification had been received of an application for an APG on Diabetes.

Agreed: The Committee agreed that the Secretariat will circulate further details to the Committee on the proposed APG on Diabetes for agreement via correspondence, in accordance with Standing Order 115(9).

Pam Cameron left the meeting at 12.59pm

6. Complaint against a Member – Committee deliberation

Christopher Stalford left the meeting at 1.19pm

Christopher Stalford re-joined the meeting at 1.25pm

The Committee deliberated on a complaint against a Member which included various allegations of breaches of the Assembly Members' Code of Conduct.



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The Committee considered each of the allegations which had been made against the Member, together with the evidence, findings of fact and reasoned decisions of the Commissioner for Standards as set out in her investigation report.

The Committee also received a recap of the legal advice which it had commissioned from Assembly Legal Services in relation to each of the allegations contained in the complaint case.

Agreed: In relation to Allegation 1, which pertained to Rule 15 of the Assembly Code of Conduct, the Committee agreed that it could not find, as a matter of fact, that the Member's conduct was in breach of Rule of Conduct 15.

Agreed: In relation to Allegation 2, which pertained to Rule 15 of the Assembly Code of Conduct, the Committee agreed that it could not find, as a matter of fact, that the Member's conduct was in breach of Rule of Conduct 15.

Agreed: In relation to Allegation 3, which pertained to Rule 19 of the Assembly Code of Conduct, the Committee agreed with the Commissioner's reasoned decision that there was no breach of Rule 19.

Agreed: In relation to Allegation 4, which pertained to Rule 15 of the Assembly Code of Conduct, the Committee agreed that it could not find, as a matter of fact, that the Member's conduct was in breach of Rule of Conduct 15.

Agreed: In relation to Allegation 5, which pertained to Rule 15 of the Assembly Code of Conduct, the Committee agreed with the Commissioner's reasoned decision that there was no breach of Rule 15.

The allegations were therefore not upheld and the Committee concluded that the Member in question had not breached the Assembly Code of Conduct.

Noted: The Committee noted that the Clerk will prepare a draft Committee report on the complaint case, which will be considered at a future meeting.

Agreed: The Committee agreed that the draft Committee report will explain that, from the legal advice received, it was noted that, even if a factual basis could be established for allegations 1, 2 and 4, a finding by the Committee of a breach of the Assembly Code of Conduct in respect of these allegations would constitute a disproportionate interference with the Member's rights to freedom of expression under Article 10 of the European Convention on Human Rights and would



therefore be contrary to the duty of the Committee to act in a way which is compatible with the Convention.

Agreed: The Committee agreed that the draft Committee report will comment on how the complaint case has highlighted the importance of all Members striving to adhere to the principles of conduct contained in the Assembly Code of Conduct, including showing 'respect and consideration for others at all times', while recognising that the principles of conduct are aspirational rather than enforceable.

7. Complaint against a Member – Draft Committee report

Pam Cameron declared an interest in this agenda item as the complainant had been in contact with her constituency office.

The Chairperson reminded Members that the draft Committee report was developed in line with the Committee's decisions on the complaint case, which were taken at the meeting on 28 September 2021.

Agreed: The Committee agreed that the report will be agreed subject to any necessary redactions and/or anonymisation of information being made to the report and to the accompanying documents in accordance with legal advice which will be received subsequently.

Members undertook formal consideration of the draft report as follows:

Agreed: The Committee agreed that the Title Page, Committee Powers and Membership page and Table of Contents page, as drafted, stand part of the report, subject to any necessary amendments to the page numbers on the Table of Contents page.

Agreed: The Committee agreed that the 'Introduction' section at paragraphs 1 and 2 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Background' section at paragraphs 3 to 5 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Relevant rules in the Members' Code of Conduct' section at paragraph 6 of the report, stands part of the report.



Agreed: The Committee agreed that the 'The Complaint' section at paragraph 7 of the report, stands part of the report.

Agreed: The Committee agreed that the 'Commissioner's investigation and findings of fact' section at paragraphs 8 and 9 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Commissioner's reasoned decision' section at paragraph 10 of the report, stands part of the report.

Agreed: The Committee agreed that the 'Committee's considerations and conclusion' section at paragraphs 11 to 15 of the report, stand part of the report, subject to a clarificatory amendment to paragraph 14.

Agreed: The Committee agreed that the 'Links to appendices' at page 14 of the report, stands part of the report.

Agreed: The Committee agreed that this report be the third report of the Committee on Standards and Privileges in the 2017-22 Mandate.

Agreed: The Committee agreed that the Chairperson will agree an extract of today's minutes regarding the agreement of this report so it may be included in the Minutes of Proceedings section of the report.

Agreed: The Committee agreed that the report be published on-line on the Assembly's webpages.

Agreed: The Committee agreed that the report will be embargoed until a suitable date, to be determined by the Committee Secretariat, in order to allow time for legal advice to be received on any necessary redactions and for the report to be uploaded to the Assembly webpages.

Agreed: The Committee agreed to provide the complainant and the respondent with an embargoed copy of the report in advance of publication.

Agreed: The Committee agreed that, if there are any media queries, the Committee will respond to say that it will not be making any further comment.

Noted: The Committee noted that, to take account of agreed protocols, the Business Office will be advised of the Committee's agreement of the report within 24 hours (the Committee noted that it will be made available for viewing by all Members once the embargo has expired and a link to the Report will also be emailed to all MLAs following publication).



8. Correspondence

There were no items of correspondence.

9. Any other business

There was no other business.

10. Date, Time and Place of the next meeting

The Committee noted that the next meeting will be on Wednesday, 10 November 2021.

The meeting was adjourned at 2.05pm.

**Linda Dillon MLA,
Chairperson, Standards and Privileges Committee**

10 November 2021