



Northern Ireland
Assembly

Committee on Standards and Privileges

Minutes of Proceedings

2 February 2022

Meeting Location: Virtual Meeting via Microsoft Teams

Present by Video or Teleconference:

Ms Linda Dillon MLA (Chairperson)
Dr Steve Aiken OBE MLA
Ms Sinéad Bradley MLA
Ms Pam Cameron MLA
Mr Stewart Dickson MLA
Ms Áine Murphy MLA

Apologies:

Mr Christopher Stalford (Deputy Chairperson)
Mr Patsy McGlone MLA
Mr Declan McAleer MLA

In Attendance by Video or Teleconference:

Mr Shane McAteer (Assembly Clerk)
Ms Karen Barry (Assistant Clerk)
Dr Simon Gallaher (Clerical Supervisor)
Ms Alison Ferguson (Clerical Officer)



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

The meeting commenced at 12.46pm in closed session.

Agreed: Members agreed that, in the event of the meeting being adjourned due to plenary division/s or loss of quorum, any decisions that were due to be taken at today's meeting are instead taken via correspondence under temporary Standing Order 115(9).

1. Apologies

As noted above.

The Clerk advised the Committee that Pam Cameron had provided notification that she has delegated authority, under Standing Order 115(6), to Christopher Stalford, Deputy Chairperson, to vote on her behalf, during any time when she is unable to attend the Committee, until further notice.

The Clerk advised the Committee that Declan McAleer and Áine Murphy had provided notification that they had delegated authority, under Standing Order 115(6), to the Chairperson to vote on their behalf at today's meeting.

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.

Steve Aiken declared an interest in being subject to a complaint and also in relation to both items of correspondence which are to be considered at Agenda item 7.

Members noted that Steve Aiken wished to recuse himself from discussion of applicable correspondence at Agenda item 7.

Stewart Dickson declared an interest in relation to Agenda item 6, as the complainant had been in contact with him in an unrelated matter.



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3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 8 December 2021.

4. Matters Arising

All Party Groups (APGs) – Update

Members considered a request from Joanne Bunting MLA, Chairperson of the APG on Modern Slavery for an extension in the time available for the Group to hold its Annual General Meeting (AGM).

Agreed: The Committee agreed to an extension until the 11 February 2022 in order to facilitate the APG on Modern Slavery in holding its AGM for the purpose of the election of officers.

Review of Committee's adjudication procedures

It was noted that the Committee had agreed, via correspondence under temporary Standing Order 115(9), to undertake a review of the procedural practices for the operation of the Committee's adjudication role. This would include commissioning comparative research from the Assembly Research and Information Service (RalSe) and seeking the views of the Commissioner for Standards.

Members noted that briefings from RalSe and the Commissioner for Standards are scheduled for the meeting of 23 February 2022.

Agreed: Members agreed that, in order to inform the Commissioner's briefing, the comparative research paper will be copied to the Commissioner for information, once received from RalSe.

Pam Cameron joined the meeting at 12.48pm.

Response to correspondence from a complainant

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



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Agreed: The Committee agreed a draft response from the Chairperson to a complainant and to enclose, as requested, an unredacted copy of the Commissioner's investigation report on the related complaint case.

5. Committee role in considering reports on complaints against Ministers – Legal advice and policy options

Members received a further briefing from the Committee Clerk on the following main policy options in relation to how/whether the Committee might exercise functions in relation to considering reports by the Commissioner for Standards on investigations into alleged breaches of the Ministerial Code of Conduct:

- Option A: Committee seeks procedural changes to ensure that it has no role in relation to considering or publishing the Commissioner's investigation reports on complaints against Ministers;
- Option B: Committee reports to the Assembly under the existing procedural arrangements (which do not provide for the Committee to adjudicate or to recommend sanctions in relation to Ministerial conduct); and
- Option C: Committee seeks procedural changes to provide it with a role in adjudicating on complaints against Ministers and in recommending sanctions where applicable.

An Assembly Legal Adviser was present for this agenda item to answer any questions from Members on the previous legal advice received on this matter.

Agreed: Members agreed to return to this agenda item later in the meeting.

6. Referral of a complaint to the Committee for further consideration

Members were briefed by the Committee Clerk on the applicable procedures in relation to agenda item 6.

The Committee received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on her correspondence dated 6 January 2022 and accompanying papers in relation to this agenda item.



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The Committee considered the complainant's request, under sub-paragraphs 3.13 and 3.14 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2021 ('the General Procedures Direction'), that it further considers the decision by the Commissioner that the complaint was inadmissible.

Agreed: The Committee agreed that, in accordance with sub-paragraph 3.14 of the General Procedures Direction, it considered the complaint to be inadmissible as per the Commissioner's decision.

5. Committee role in considering reports on complaints against Ministers – Legal advice and policy options - continued

Following further discussion of this item, no consensus was reached on a preferred option.

Agreed: The Committee agreed that, whilst some members had confirmed their preferred option (Option A was preferred by Linda Dillon, Áine Murphy and Declan McAleer; while Option C was preferred by Steve Aiken and Stewart Dickson), given the significance of the decision, all Committee members (including those not present at the meeting and who had not delegated their votes) should have an opportunity to confirm their preferred option.

Agreed: The Committee agreed that a decision on its preferred option will therefore be sought via correspondence, in accordance with Standing Order 115(9), with members provided with a deadline of Friday 4 February 2022 to communicate their preferred option to the Committee Clerk.

7. Correspondence

Steve Aiken left the meeting at 1.40pm.

The Committee considered correspondence between an Assembly Member and the Commissioner for Standards (which had been copied to the Committee) regarding a complaint which is currently being investigated by the Commissioner.



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Agreed: Members agreed that the Committee will await the Commissioner's investigation report on this ongoing case before considering the issues raised, in order to not prejudice the process in the meantime.

The Committee noted: correspondence from an Assembly Member arising from media enquiries regarding a concluded complaint case; and a factual response from the Chairperson to related media enquiries.

8. Any Other Business

There was no other business.

9. Date, Time and Place of the next meeting

Members noted that the next meeting of the Committee will held be on Wednesday, 23 February 2022 at 12:40pm and that the meeting place/format will be confirmed in due course.

The meeting was adjourned at 1.46pm.

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

2 February 2022