

Committee on Standards and Privileges

Report on the investigation into allegations made in the BBC Spotlight Programme broadcast on 7 January 2010

Together with the Report of the Assembly Commissioner for Standards, other evidence
considered by the Committee and the Minutes of Proceedings of the Committee

Ordered by The Committee on Standards and Privileges to be printed on 26th November 2014

This report is the property of the Committee on Standards and Privileges. Neither the report nor its contents should be disclosed to any person unless such disclosure is authorised by the Committee.

**THE REPORT REMAINS EMBARGOED UNTIL
12:00 NOON ON FRIDAY, 28TH NOVEMBER 2014**

Committee Powers and Membership

1. The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order Nos. 51 and 57.
2. The Committee has power:
 - to consider specific matters relating to privilege referred to it by the Assembly;
 - to oversee the work of the Assembly Clerk of Standards;
 - to examine the arrangement for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the Assembly, and to review from time to time the form and content of those registers;
 - to consider any specific complaints made in relation to the registering or declaring of interests referred to it;
 - to consider any matter relating to the conduct of Members;
 - to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.
3. The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its enquiries.
4. The membership of the Committee is as follows:

Mr Alastair Ross (Chairperson)

Ms Anna Lo (Deputy Chairperson)¹

Mr Steven Agnew

Mr Cathal Boylan

Mr Colum Eastwood²

Ms David Hilditch^{3 4}

Mr Declan McAleer^{5 6 7 8}

Mr Fra McCann

Mr Ian McCrea⁹

Mr Robin Newton^{10 11 12}

Mrs Sandra Overend¹³

- 1 With effect from 01 October 2013 Ms Anna Lo replaced Mr Kieran McCarthy.
- 2 With effect from 23 April 2012 Mr Colum Eastwood replaced Mr Patsy McGlone.
- 3 With effect from 15 April 2013 Ms Paula Bradley replaced Mr Jonathan Craig.
- 4 With effect from 6 October 2014 Mr David Hilditch replaced Ms Paula Bradley.
- 5 With effect from 3 July 2012 Mr Alex Maskey replaced Mr Pat Doherty.
- 6 With effect from 7 September 2012 Mr Francie Molloy replaced Mr Alex Maskey.
- 7 With effect from 7 April 2013 Mr Francie Malloy resigned as a Member.
- 8 With effect from 15 April 2013 Mr Declan McAleer replaced Mr Francie Malloy.
- 9 With effect from 3 December 2012 Mr Ian McCrea replaced Ms Paula Bradley.
- 10 With effect from 07 May 2013 Mr Sydney Anderson replaced Mr David McIlveen.
- 11 With effect from 16 September 2013 Mr Mervyn Storey replaced Mr Sydney Anderson.
- 12 With effect from 6 October 2014 Mr Robin Newton replaced Mr Mervyn Storey.
- 13 With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Michael Copeland.

5. The Report and evidence of the Committee are published by the Stationery Office by order of the Committee. All publications of the Committee are posted on the Assembly's website: (www.niassembly.gov.uk.)
6. All correspondence should be addressed to the Clerk to the Committee on Standards and Privileges, Committee Office, Northern Ireland Assembly, Room 254, Parliament Buildings, Stormont, Belfast BT4 3XX. Tel: 02890 520333; e-mail: committee.standards&privileges@niassembly.gov.uk

Table of Contents

Report	1
Appendix 1	
Report by the Northern Ireland Assembly Commissioner for Standards ¹	15
Appendix 2	
Other evidence considered by the Committee	
Correspondence dated 1st August 2014 from Peter Robinson MLA	201
Correspondence dated 4th August 2014 from John McBurney Solicitors	203
Correspondence dated 11th January 2010 from Peter Robinson MLA	208
Correspondence dated 10th January 2010 from Carál Ní Chuilín MLA	209
Extract of the Interim Commissioner for Standards' Briefing Paper considered by the Committee at its meeting on 8th June 2011	210
Appendix 3	
Minutes of Proceedings of the Committee Relating to the Report	213

1 **Please note:** Redactions to the text in the Commissioner's report agreed by the Committee are denoted by *********. Where documents have been removed by the Committee this is also clearly indicated.

Report

Introduction

1. The Committee on Standards and Privileges has considered a report from the Northern Ireland Assembly Commissioner for Standards (“the Commissioner”) on the investigation into the allegations made in the BBC Spotlight Programme of 7 January 2010. A copy of the Commissioner’s report is included at Appendix 1.

Background to the investigation

2. On 7 January 2010 the BBC broadcasted an episode of its Spotlight programme which made a number of allegations about the then MLA Mrs Iris Robinson and Mr Peter Robinson MLA. The allegations were informed by disclosures made by Dr Selwyn Black, a former employee of Mrs Robinson. At the centre of these was the allegation that Mrs Robinson had obtained substantial sums of money from two property developers and had given the money to a young man named Kirk McCambley. The relevant allegations are considered further below and in the Commissioner’s report.
3. As some of the allegations related to Mrs and Mr Robinson’s respective roles as MLAs, the Committee on Standards and Privileges met on 11 January 2010 to consider the matter. At that meeting the Committee noted correspondence from Mr Robinson which requested that the Committee commence an inquiry into the questions raised in the programme. The Committee also noted correspondence from Ms Carál Ní Chuilín MLA which requested that an investigation be carried out. Copies of both items of correspondence are included at Appendix 2.
4. The Committee agreed to write to Dr Tom Frawley, the then interim Assembly Commissioner for Standards (“the interim Commissioner”), requesting him to carry out an investigation into the conduct of Mrs Robinson and Mr Robinson. This letter, which is included at document 1 of Annex D of the Commissioner’s report, referred the matter under the then standing order 69A(1)(b) and asked the interim Commissioner:

“...to carry out a thorough investigation into the conduct of Mrs Iris Robinson MLA and Mr Peter Robinson MLA in order to enable the Committee to determine whether or not any breaches of the Assembly’s Code of Conduct and Guide to the Rules Relating to the Conduct of Members have occurred”.
5. The investigation transferred from the interim Commissioner to the Commissioner (Mr Douglas Bain) on 17 September 2012. He submitted the final report on the investigation on 3 July 2014. A timeline setting out the key milestones during the period from the Committee’s referral until the submission of the report is included at annex A. Significant periods of time are accounted for by the suspension of the investigation from January 2010 to June 2011 to allow for the consideration of the matter by the PSNI; the transfer of the investigation from the interim Commissioner to the Commissioner on 17 September 2012; the ongoing ill-health of Mrs Robinson and her consequent unavailability for interview; and the consideration by the Commissioner of the various representations made by Mrs Robinson’s solicitor in relation to the content of earlier versions of his report.
6. Both the interim and current Commissioner made a number of unsuccessful attempts to arrange to interview Mrs Robinson. Then, in January 2013, medical advice was provided to the Commissioner which concluded that were Mrs Robinson to participate in the proposed interview it would have a serious adverse impact on her health. The Commissioner therefore decided to complete the investigation without the benefit of interviewing her.

7. The Commissioner initially submitted a report on his investigation in November 2013 but withdrew it in February 2014 following representations from Mrs Robinson's solicitor. A revised report was submitted on 31 March 2014 but it too was withdrawn by the Commissioner, this time following receipt of pre-action correspondence from Mrs Robinson's solicitor. The Commissioner submitted the final version of his report on 3 July 2014 at which point he confirmed that this report would not be revised further, save by order of the Court. The Commissioner sets out more detail in relation to these exchanges in paragraphs 15 and 16 of his report.
8. It is highly regrettable that the Assembly should have had to wait so long for the conclusion of this investigation. However, the Committee acknowledges the varied and exceptional circumstances which prolonged it.

The allegations made in the Spotlight programme

9. The Commissioner identified thirteen allegations contained within the Spotlight programme in relation to the conduct of Mr and Mrs Robinson. These thirteen allegations are set out in paragraph three of his report. Ten of these allegations related to Mrs Robinson and three related to Mr Robinson.
10. Of the ten allegations in relation to Mrs Robinson, the Commissioner has identified six which, if proved, could either constitute a breach of the Code of Conduct, or could have a bearing on these matters. The Commissioner has concluded that the other four allegations related to Mrs Robinson's then role either as a councillor or an MP and therefore that these allegations fell outside the scope of the Code of Conduct. Further detail on the Commissioner's assessment of the admissibility of the ten allegations in relation to Mrs Robinson is included at paragraphs 19 to 28 of his report.
11. The Committee has redacted references within the Commissioner's report in relation to one of these allegations. Further information in relation to redactions made to the Commissioner's report by the Committee is included at paragraphs 68 to 71 of this report.
12. The remaining five relevant allegations in relation to Mrs Robinson were as follows:
 - Allegation 2** – That in summer 2008 Mrs Robinson obtained £25k from each of two property developers, Fred Fraser and Ken Campbell, and gave the money to Kirk McCambley;
 - Allegation 3** – That Mrs Robinson required Kirk McCambley to pay her £5k in cash out of the £50,000 he had received;
 - Allegation 7** – That Mrs Robinson failed to report to the Electoral Commission her receipt of either of the two sums of £25k;
 - Allegation 9** – That Mrs Robinson failed to register in the Northern Ireland Assembly Register of Members' Interests her receipt of either of the two sums of £25k; and
 - Allegation 10** – That in the summer of 2008 Mrs Robinson lobbied on behalf of one of the property developers, Kenneth Campbell, in support of a proposed development in Newtownards in which he had a major interest.
13. The Commissioner has concluded that none of the three allegations against Mr Robinson could, even if established after investigation, constitute a breach of the Code of Conduct. Accordingly, the Commissioner has not given these allegations further consideration as part of the investigation.
14. The Commissioner's analysis of why these allegations were not admissible is set out from paragraph 29 to 58 of his report. The Committee has redacted references within the Commissioner's report to the first of the three allegations (**Allegation 11**). The Commissioner had pointed out that this particular allegation related to Mr Robinson's private and family

life and had no connection with his conduct as a Member. The Committee agreed with the Commissioner that this allegation was therefore outside the scope of the Code of Conduct.

15. The second allegation (**Allegation 12**) is that as First Minister Mr Robinson contravened the Ministerial Code of Conduct in that, having become aware of the alleged receipt of the two sums of £25,000 by his wife, he failed to inform the House of Commons, the Northern Ireland Assembly, Castlereagh Borough Council and the Electoral Commission. The Commissioner has considered this allegation insofar as it relates to the provisions of the Assembly's Code of Conduct. The allegation under consideration was therefore that Mr Robinson failed in his duty to register in the Register of Members' Interests any benefits received by Mrs Robinson.
16. The Commissioner points out that the Code only provides for Members to register those benefits received by their partner "which in any way relate to membership of the Assembly (including those received in a Ministerial capacity) or to a member's political activity". Lest there be any uncertainty about the interpretation of this requirement, the Commissioner points out that the Members' Interests Registration Form (approved by the Committee on Standards and Privileges on 30 September 2009) provides, in respect of the categories containing the 'partner provision', for the registration by a Member of benefits received by a partner-

*'which in any way relate to **your** (his emphasis) membership of the Assembly'.*
17. The Commissioner has therefore concluded that Mr Robinson had no duty to register any benefits received by Mrs Robinson, even if he knew of them and believed that they were connected with her membership of the Assembly or her political activities. The Commissioner goes on to say that Mr Robinson would, of course, have been under a duty to register benefits received by his wife connected with his own membership or political activities but that there is no evidence of any such benefits in this case. The Commissioner's full analysis of this issue is set out from paragraphs 30 to 44 of his report.
18. The final allegation (**Allegation 13**) is that Mr Robinson failed to tell the proper authorities that his wife had broken the law by (a) failing to declare her financial interest in a public contract; and (b) by accepting £50,000 from two property developers and failing to declare it. The Commissioner points out, however, that there is no express provision in the Code of Conduct imposing on Members a duty to inform the Assembly of breaches of the law by other Members. His full analysis of this issue is set out from paragraphs 45 to 58 of his report.

The Commissioner's investigation

19. As part of the investigation Kirk McCambley, Selwyn Black, Ken Campbell, Peter Robinson and various officials were interviewed. Notes of each of these meetings are included in Annex D of the Commissioner's report. The other documents and evidence obtained in the course of the Commissioner's investigation and used by him in his consideration of the matter are also listed at Annex D.
20. As mentioned above the Commissioner did not interview Mrs Robinson. However, her solicitor did correspond with the Commissioner on Mrs Robinson's behalf.
21. The Commissioner sets out at paragraph 62 of his report thirty nine findings of fact which he has established as a result of the evidence gathered during the course of the investigation. The Committee has redacted a number of these findings of fact. Again, further information in relation to redactions made to the Commissioner's report by the Committee is included at paragraphs 68 to 71 of this report.

22. Included amongst the findings of fact by the Commissioner are the following facts in relation to the relationship between Mrs Robinson and the two developers who made the payments (Mr Fraser and Mr Campbell):
6. *Mrs Robinson and her husband had both been friends of the late Mr Fred Fraser and Mr Ken Campbell for more than 30 years prior to 2008.*
 7. *Both these individuals were well known as property developers particularly in North Down.*
 8. *Both had supported charitable causes in which Mrs Robinson had been involved.*
 9. *In common with other developers, both Mr Fraser and Mr Campbell were accustomed to seeking the support of councillors, including Mrs Robinson, for their developments. Only when she considered it appropriate did she give that support.*
23. The findings of fact specifically in relation to Mr Fraser include the following:
12. *In May 2008 Mrs Robinson approached the late Mr Fraser and sought financial assistance to enable Kirk McCambley to set up in business. She explained that Kirk was the recently bereaved son of Billy McCambley. Mr Fraser and Billy McCambley were known to each other.*
 14. *Mr Fraser agreed to provide support in the form of a payment of £25k. The conditions attaching to the payment included the following –*
 - *Kirk McCambley was to give £5k of the £25k to Mrs Robinson to use for charitable purposes of her choice;*
 - *if Kirk McCambley no longer required the money it was to be given to Mrs Robinson to use for charitable purposes of her choice;*
 - *if, in Mrs Robinson's opinion, the money was not being used wisely then the whole sum was to be given to Mrs Robinson to use for charitable purposes of her choice.*
 15. *That the payment was a gift.*
 16. *This payment of £25k was made by cheque dated 23 June 2008 payable to Kirk McCambley.*
 17. *That cheque was handed by Mr Fraser to Mrs Robinson and passed on by her to Kirk McCambley who lodged it in his account.*
 19. *Kirk McCambley subsequently paid sums amounting to £5k to Mrs Robinson.*
 21. *On 18 December 2008 it was agreed that Kirk McCambley would repay £20k to the estate of the late Mr Fraser and that Iris Robinson would pay the estate the balance of £5k.*
 22. *In January 2009 solicitors acting for Kirk McCambley paid £20k to the estate of the late Mr Fraser in part repayment of this £25k.*
24. The findings of fact specifically in relation to Mr Campbell include the following:
10. *In 2008 Mr Campbell sought Mrs Robinson's support for his application for planning permission for the development of social housing at Beverley Road, Newtownards.*
 11. *Following that request from Mr Campbell, Mrs Robinson, on 3 July 2008, wrote to the Planning Service expressing her support for that application and setting out her view that there was an urgent need for social housing in Newtownards. Her letter was on House of Commons notepaper.*
 23. *Following her successful approach to Mr Fraser, Mrs Robinson asked Mr Ken Campbell for money to help Kirk McCambley set up in business.*

24. *Mr Campbell agreed to make an interest free unconditional loan of £25k.*
25. *In July 2008 Mrs Robinson facilitated a meeting at Forestside Shopping Centre between Mrs Campbell and Kirk McCambley at which a cheque for £25k payable to Kirk McCambley was handed over.*
26. *That cheque, dated 27 July 2008, cleared on 26 August 2008.*
27. *On 18 December 2008 it was agreed that Kirk McCambley would repay this £25k to Mr Campbell.*
28. *In early March 2009 Mr Campbell received a cheque for £20k in part repayment from solicitors acting for Kirk McCambley. The balance of £5K remains due by Kirk McCambley.*
25. In relation to Mrs Robinson's actions in relation to these payments the Commissioner has established that:
32. *Mrs Robinson did not report to the Electoral Commission her receipt of either of the two sums of £25k or of the sum of £5k.*
35. *At no time between March 2007 and her resignation as an MLA did Mrs Robinson seek advice from the Clerk of Standards in respect of the need to register either of the payments of £25k by the two developers or the payment of £5k by Kirk McCambley.*
36. *At no time during that period did Mrs Robinson advise the Clerk of Standards of any of these three payments.*
37. *On her Members' Interests Registration Form dated 9 November 2009 she made the following declaration 'I confirm that I have read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.' She made no disclosure in respect of any of these three payments on that form.*
26. The Commissioner final finding of fact is:
39. *Mrs Robinson has accepted the findings of fact at numbers 1- 38 above and 'that she was in breach of the provisions of the Code of Conduct by failing to register in the register of Members' Interests her interest in either of the two payments of £25,000 or the payment of £5,000.'*

The Commissioner's reasoned decision

27. In relation to allegation 2 the Commissioner says there is no doubt that in the summer of 2008, as a result of approaches by Mrs Robinson, the two property developers each made a payment of £25,000 of which Kirk McCambley was the ultimate recipient. The Commissioner goes on to say that such payments could only constitute a breach of the Code on behalf of Mrs Robinson if they were unlawful due, for example, to corruption or if they were in breach of the Advocacy Rule. The Commissioner says that there is no evidence of any such criminality or breach and therefore concludes that Mrs Robinson did not breach the Code of Conduct simply by facilitating these payments.
28. In relation to allegation 3 the Commissioner says that the receipt of £5,000 by Mrs Robinson from Mr McCambley could only constitute a breach of the Code by Mrs Robinson if it was unlawful, for example, because it was part of a corrupt arrangement with Mr Fraser or because it was obtained by unlawful threats. The Commissioner says that there is no evidence of any such criminality and therefore concludes that Mrs Robinson did not breach the Code of Conduct by receiving £5,000 from Mr McCambley.
29. In relation to allegation 7 the Commissioner says that although Mrs Robinson did not report to the Electoral Commission either of the two sums of £25,000, or the £5,000 received

from Mr McCambley, as he found no evidence that any of these payments were, in fact, in connection with any of her political activities, Mrs Robinson was under no duty to report these matters to the Electoral Commission. The Commissioner says that it follows that no issue of failing to uphold the law, and so of breaching the Code, arises in relation to this allegation.

30. In relation to allegation 10 the Commissioner says that although Mr Campbell made his payment of £25,000 within three weeks of Mrs Robinson writing a letter to the Planning Service in support of his proposed development, he has found no evidence of any corruption or impropriety in relation to this matter by either Mrs Robinson or Mr Campbell. Nor has he found any evidence that Mrs Robinson acted in anyway contrary to the Advocacy Rule set out in the Code of Conduct.
31. Finally, in relation to Allegation 9 the Commissioner says that whilst he has found no evidence that any of the three payments was in fact related to Mrs Robinson's role as an MLA, he has no doubt that a reasonable person when faced with these facts might very reasonably think that the payments were corrupt and that they might influence Mrs Robinson's actions or votes in the Assembly. That being so the Commissioner was, before the admissions made in the letters from her solicitors, satisfied that Mrs Robinson was under a duty to register the three payments in the Register and that she failed so to do. By her failures she was in breach of the provisions of the 1999 Code and the Guide. Mrs Robinson has admitted these breaches.
32. The Commissioner has pointed out that there is conflicting evidence about the exact nature of the three payments that were made but that these details are immaterial to the issue of whether or not there was a failure to register. The Commissioner's analysis of this issue is set out from paragraphs 77 to 79 of his report.
33. The Commissioner says in paragraph 80 of his report that during police interview Mrs Robinson claimed to be unaware of her duty to register her interests or to have read the Code of Conduct. The Commissioner says he finds it hard to accept this claim as honest. However, since he has been unable to interview Mrs Robinson about this matter he stops short of concluding that it was a deliberate untruth. The Commissioner goes on to point out that if it was true that Mrs Robinson had never read the Code her failure demonstrates a total disregard for the ethical standards rightly expected of Members and is impossible to reconcile with the declaration that she had read the Code which she signed on both her 2001 and 2009 Registration of Members' Interests Forms.
34. The Commissioner says that there is a more obvious and credible reason for her failure to register any of the three payments. Registering them would have put them in the public domain and brought them to the attention of her husband from whom she was at pains to withhold all details of the payments because of her relationship with Kirk McCambley. Whilst this reason would have been understandable, it would not in any way have excused her failure to register the payments.
35. The Commissioner's conclusion in relation to Mrs Robinson is at paragraph 83. In it he says:

"Of the various allegations made against Mrs Iris Robinson in the Spotlight programme I am satisfied that her sole breaches of the Members' Code of Conduct were her failure to register her interest in any of the three payments. Although there is no evidence that any of the three payments was in fact connected with her role as an MLA they would assuredly have been perceived, by members of the public who became aware of them, as likely to influence her actions as an MLA. The fact that she failed to register them itself adds weight to the perception of their improper nature. In these circumstances she had a clear duty to register the payments. She failed in that duty. Her failure was a serious breach of the 1999 Code of Conduct. It is a matter of regret that her admissions of breaching the Code were not made until after the investigation had been completed".

36. The Commissioner's conclusion in relation to Mr Robinson is at paragraph 84. In it he says:

"I am satisfied that none of the allegations made in that programme against Mr Peter Robinson could, even if established as true, constitute a breach of either the 1999 or the 2009 Code of Conduct".

The comments of Mrs Robinson and Mr Robinson

37. In line with the Committee's usual procedure, Mrs Robinson and Mr Robinson were each provided with a copy of the Commissioner's report. They were informed that they may provide the Committee with their comments in respect of any matter raised within the report. They were also advised that they may choose to appear before the Committee to make their comments in person and to respond to any questions that members of the Committee may have.

38. Mrs Robinson and Mr Robinson each submitted comments to the Committee.

Mrs Robinson's comments

39. Mrs Robinson's comments have been made on her behalf by her solicitor, Mr John McBurney, in correspondence dated 4 August 2014 which is included in Appendix 2. Before setting out Mrs Robinson's comments Mr McBurney explains that they are necessarily limited as the matters under consideration in the report occurred at a time when Mrs Robinson was mentally unwell. Mr McBurney also takes issue with the Commissioner having said (in paragraph 8 of his report) that one of the main causes of delay in relation to the investigation was the legal challenge to the submission of the report to the Committee.
40. Mrs Robinson's comments include an acceptance of the findings of fact made at paragraph 62 of the Commissioner's report. She accepts that she ought to have registered the two payments of £25,000 made to Mr McCambley (and the related payment back to her of £5,000 from Mr Fraser's gift), solely on the basis of the extended definition of the registration requirements set out by the Commissioner at paragraphs 72-76 of his report.
41. Mrs Robinson draws particular attention to the Commissioner's finding that the £5,000 to be given to her as part of Mr Fraser's gift to Mr McCambley was to be used for charitable purposes and not, as some have suggested, for her own use.
42. Mrs Robinson welcomes the finding that the payments to Mr McCambley were not unlawful and that there is no evidence of any criminality, breach of the Members' Code of Conduct or breach of the Advocacy Rule on her part in her having facilitated these payments.
43. Mrs Robinson takes issue with the Commissioner's description of her failure as a "serious breach". Paragraphs 8 and 9 of Mr McBurney's correspondence invites the Committee to take the view that the failure to register was a technical breach that was understandable.
44. Mr McBurney also says in his letter that it is plainly not the case that Mrs Robinson was unaware of her duty to register interests in the Assembly's Register of Members' Interests; nor that she had not read the Code of Conduct. In response to the Commissioner's comments at paragraph 80 of his report on this issue, Mrs Robinson denies any suggestion of deliberate untruthfulness.

Mr Robinson's comments

45. In his response of 1 August 2014 (also included in Appendix 2) Mr Robinson says that it is no surprise that the Commissioner's investigation demonstrably clears him of the "BBC's scurrilous claims" of acting improperly and being in breach of the Code of Conduct. He says that this is consistent with the conclusion of all the other investigations, inspections, opinions and findings from other independent bodies and examiners.

46. Mr Robinson goes on to make comments in relation to the findings and conclusions that refer to Mrs Robinson. He cites Mrs Robinson's history of mental health issues and says that the circumstances outlined in the report are directly connected to the fact that, during the period in question, Mrs Robinson was suffering from mental health illness. He says that Mrs Robinson's health will be harmfully affected by the consequences of "further relentless, cruel and gratuitous regurgitation of sensationalised stories".
47. Mr Robinson describes the breach of the Code by Mrs Robinson identified by the Commissioner as a technicality as it related to her failure to register an interest "not because ... it was connected with her role as an MLA but rather because some members of the public might believe it was". He also contends that the investigation, as it related to Mrs Robinson, was unnecessary and should have ceased when Mrs Robinson resigned as an MLA. He says that that part of the investigation was without purpose as the Committee cannot impose sanctions upon Mrs Robinson and that the only effect will be upon her health.

The Committee's considerations

48. The Committee considered the Commissioner's report at its meeting on 10 September 2014. The Commissioner presented his report to the Committee and answered members' questions.
49. Having given the matter careful consideration, the Committee is satisfied that all allegations contained within the Spotlight programme and any other relevant related matters have been identified and considered by the Commissioner.
50. The Committee is content with the Commissioner's assessment of the admissibility of the thirteen allegations (i.e. that of the ten identified allegations in relation to Mrs Robinson, four of them were inadmissible and that of the three identified allegations in relation to Mr Robinson, all were inadmissible).
51. The Committee accepts the Commissioner's thirty nine findings of fact.
52. The Committee accepts the Commissioner's conclusion that, in relation to the payments of £25,000 of which Mr McCambley was the beneficiary, these could only constitute a breach of the Code on behalf of Mrs Robinson if they were unlawful due, for example, to corruption or they were in breach of the Advocacy Rule, and that there is no evidence of any such criminality or breach.
53. The Committee accepts the Commissioner's conclusion that the receipt of £5,000 by Mrs Robinson from Mr McCambley could only constitute a breach of the Code if it was unlawful, for example, because it was part of a corrupt arrangement with Mr Fraser or because it was obtained by unlawful threats and that there is no evidence of any such criminality.
54. The Committee accepts the Commissioner's conclusion that there is no evidence that any of these payments were, in fact, in connection with any of Mrs Robinson's political activities.
55. The Committee accepts the Commissioner's conclusion that although Mr Campbell made his payment of £25,000 within three weeks of Mrs Robinson writing a letter in support of his proposed development, there is no evidence of any corruption or impropriety in relation to this matter by either Mrs Robinson or Mr Campbell.
56. The Committee also accepts the Commissioner's conclusion that there is no evidence that Mrs Robinson acted in anyway contrary to the Advocacy Rule set out in the Code of Conduct.
57. The Committee agrees with the Commissioner's conclusion that Mrs Robinson was required to register her interest in the three payments.

-
58. The Committee agrees with the Commissioner's conclusion that there is conflicting evidence about the exact nature of the three payments that were made but that these details are immaterial to the issue of whether or not there was a failure to register.
59. The Committee agrees with the Commissioner that this was the sole breach that occurred.
60. The Committee agrees with the Commissioner's conclusion that this was a serious breach.
61. In coming to this view, the Committee has also taken into consideration the comments of Mrs Robinson and Mr Robinson, both of whom had disputed the conclusion that this was a serious breach. Each drew attention to the fact that the Commissioner had said that there was no evidence that any of these payments were in connection with any of Mrs Robinson's political activities. Each said that the payments were registrable solely because of the perception that they might influence Mrs Robinson's actions as a Member and each therefore described the breach as "technical". The Committee discussed these comments with the Commissioner.
62. The Committee is clear that Mrs Robinson's failure to register was neither technical nor understandable. One of the aims of the Code is to –
- "Ensure public confidence and trust in the integrity of Members by establishing openness and accountability as key elements of the Code".*
63. The main purpose of the Register of Interests is –
- "... to give public notification on a continuous basis of those financial interests held by Members which might be thought to influence their conduct in carrying out their Assembly duties".*
64. The rationale for the inclusion of any entry in the Register of Members' Interests is therefore due to the perception that an interest might influence a Member's actions (regardless of whether it actually does). In this case it is clear that the public would have regarded Mrs Robinson's interest in the three payments as significant and having the potential to influence her actions as a Member because of –
- their highly unusual nature;
 - their high value;
 - ongoing public concern arising from the perceived relationship between some politicians and developers; and
 - the fact that Mrs Robinson had only very shortly beforehand made representations in support of a planning application by Mr Campbell.
65. Damage is done to public confidence and trust in the integrity of the Assembly as a whole when a Member breaks the rules by failing to register an interest which would very obviously be regarded by the public as likely to influence his or her actions as a Member. The Committee therefore regards the breach by Mrs Robinson as serious and would have considered bringing forward a corresponding sanction for the Assembly's consideration had Mrs Robinson still been a Member.
66. Mr Robinson said that the investigation, insofar as it related to Mrs Robinson, was without purpose as the Committee cannot impose sanctions upon Mrs Robinson. It is correct that the Assembly cannot impose a sanction upon a former Member. However, given the seriousness of the allegations in this case, and the public concern arising from them, the Committee is satisfied that the public interest was best served by having an investigation to establish the full facts relevant to these matters.
67. One of the seven principles of public life is Integrity. All public office holders must avoid placing themselves under any obligation to people or organisations that might try
-

inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships. This principle is particularly important for Members of the Assembly. Should any Member have a query about the application of this principle in relation to his or her own circumstances and the Assembly's rules, then advice and guidance should be sought from the Clerk of Standards.

Publication of the Commissioner's report

68. As per the provision made in section 27(3) of the of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, and in Standing Order 69A(3) (e), the Committee is publishing the Commissioner's report on the investigation. It is included in Appendix 1 of this report.
69. In line with the Committee's position on any report, the Commissioner has redacted confidential and other personal information from the evidence he received where there is no prejudice to the public interest in knowing how a conclusion has been reached.
70. At its meeting on 10 September 2014 the Committee also considered correspondence from Mrs Robinson's solicitor in relation to the publication of certain material within the Commissioner's report. The Committee consequently sought legal advice and decided to make a number of its own redactions to the Commissioner's report in order to comply with its obligations under the Human Rights Act 1998.
71. The Committee is satisfied that the redactions that it has made are necessary and proportionate and do not prevent readers of the report from fully understanding how both the Commissioner and the Committee reached their conclusions.

Annex A

Timeline of key milestones during the period from the Committee's referral until the submission of the report

7 January 2010	BBC Spotlight programme broadcast.
11 January 2010	The Committee on Standards and Privileges meets and agrees to refer matter to the interim Assembly Commissioner for Standards for investigation.
27 January 2010	The Committee agrees to suspend the investigation until the outcome of PSNI investigation is known.
8 June 2011	The Committee agrees that the interim Commissioner should resume the suspended investigation following confirmation from him that the Public Prosecution Service had taken a decision not to prosecute.
June 2011 – September 2012	The interim Commissioner investigates but is unable to secure an interview with Mrs Robinson.
17 September 2012	The investigation transfers from the interim Commissioner to the new Assembly Commissioner for Standards ("the Commissioner").
January 2013	The Commissioner receives medical evidence that were Mrs Robinson to participate in an interview with him it would have a serious adverse impact on her health.
22 November 2013	The Commissioner submits a report on the investigation.
9 December 2013	The report is sent to Mrs Robinson and Mr Robinson for comment.
11 February 2014	The Commissioner advises that he shall submit a revised version of his report of 22 November 2013.
31 March 2014	The Commissioner submits a revised report on the investigation.
4 April 2014	The revised report sent to Mrs Robinson and Mr Robinson for comment.
7 May 2014	The Commissioner requests that his revised report be withheld from the Committee and that no further action be taken until further legal issues are resolved.
3 July 2014	The Commissioner submits his final report on the investigation with further revisions.



Northern Ireland
Assembly

Appendix 1

Report by the Northern Ireland Assembly Commissioner for Standards

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Report by
the Northern Ireland Assembly Commissioner for Standards
on a referral by
the Committee for Standards and Privileges
in respect of allegations made in the
BBC Spotlight Programme Broadcast on 7 January 2010

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

CONTENTS

	PAGE
The Referral	1
Allegations in the Spotlight programme	1
Relevant Code of Conduct provisions	3
The investigation	3
Other investigations	6
Relevance of allegations	6
Findings in fact	16
Reasoned decision	21
Conclusion	26

Annexes

A – Most Relevant 1999 Code provisions

B – Most Relevant 2009 Code provisions

C – Other investigations

D – Documents

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

The Referral

1. By letter dated 12 January 2010 the Committee on Standards and Privileges ('the Committee') asked the Interim Assembly Commissioner for Standards ('the Interim Commissioner') to carry out an investigation, and to report to it on, whether the conduct of Mrs Iris Robinson MLA and Mr Peter Robinson MLA alleged in the BBC Spotlight Programme broadcast on 7 January 2010 constituted a breach of the Assembly's Code of Conduct and Guide to the Rules relating to the Conduct of Members ('the Code').¹
2. It should be noted that the Committee did not extend the terms of reference to include the allegation made in the BBC Newsline programme broadcast on 30 March 2010 that Mr and Mrs Robinson has purchased a small plot of land for £5, from one of the property developers identified in the Spotlight programme, enabling them to sell part of the garden of their house for nearly £460k. Consequently, that allegation was not within the scope of this investigation.

Allegations in the Spotlight Programme

3. The allegations of misconduct in the Spotlight programme, as set out in the transcript², were as follows -
 - ~~*****~~
~~*****~~
~~*****~~ [Allegation 1]
 - That in summer 2008 Mrs Robinson obtained £25k from each of two property developers, Fred Fraser and Ken Campbell, and gave the money to Kirk McCambley [Allegation 2]
 - That Mrs Robinson required Kirk McCambley to pay her £5k in cash out of the £50k he had received [Allegation 3]
 - That Mrs Robinson failed to declare her pecuniary interest at the meeting of Castlereagh Borough Council on 28 August 2008 when

¹ Document 1
² Document 2

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

the signing of the lease of the Lock Keepers Café³ to Kirk McCambley was authorised [Allegation 4]

- That by her failure to declare her pecuniary interest Mrs Robinson broke local government law [Allegation 5]
- That by her failure to declare her pecuniary interest Mrs Robinson broke *'as many as five elements of the councillor's code of conduct rule book'* [Allegation 6]
- That Mrs Robinson failed to report to the Electoral Commission her receipt of either of the two sums of £25k [Allegation 7]
- That Mrs Robinson failed to register in the House of Commons Register of Members' Financial Interests her receipt of either of the two sums of £25k [Allegation 8]
- That Mrs Robinson failed to register in the Northern Ireland Assembly Register of Members' Interests her receipt of either of the two sums of £25k [Allegation 9]
- That in the summer of 2008 Mrs Robinson lobbied on behalf of one of the property developers, Ken Campbell, in support of a proposed development in Newtownards in which he had a major interest [Allegation 10]
- ~~*****~~
~~*****~~
~~*****~~ [Allegation 11]
- That as First Minister Mr Robinson contravened the Ministerial Code of Conduct in that, having become aware of the alleged receipt of the two sums of £25k by his wife, he failed to inform the House of Commons, the Northern Ireland Assembly, Castlereagh Borough Council and the Electoral Commission [Allegation 12]
- That Mr Robinson failed to tell the proper authorities that his wife had broken the law by (a) failing to declare her financial interest in a public contract; and (b) by accepting £50k from two property developers and failing to declare it [Allegation 13]

³ In the documents these premises are variously identified as the Lock Keeper's Café, the Lock Keeper's Inn and the Lock Keeper's Cottage. Throughout this report they are referred to as the Lock Keeper's Café.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

4. Although in the programme it was not specifically alleged that Mrs Robinson had failed to report to the Electoral Commission her receipt of £5k from Kirk McCambley or to register it in both the House of Commons Register of Members' Financial Interests and the Northern Ireland Assembly Register of Members' Interests, these matters have been included in the investigation.
5. Similarly, although in the broadcast it was not specifically alleged that Mr Robinson's failure to tell the proper authorities of either of the matters specified in Allegation 13 was in breach of the Members' Code of Conduct as opposed to the Ministerial Code, that matter has been included in the investigation together with his alleged failure to report the receipt by his wife of the sum of £5k in cash from Kirk McCambley.

Relevant Code of Conduct Provisions

6. The conduct complained of in Allegations 1- 8, and 9 - 11 is said to have taken place prior to the current Code coming into effect on 12 October 2009. These allegations fall to be considered against the provisions of the previous Code which was approved by the Assembly in 1999 and amended in 2001. The most relevant provisions of the 1999 Code are at Annex A.
7. Allegations 8, 9, 12 and 13 are of omissions that are said to have occurred from dates prior to the coming into effect of the current Code and continuing until at least the date of broadcast of the Spotlight programme in January 2010. These allegations fall to be considered against the provisions of the 1999 Code for the period up to 12 October 2009 and against the current Code for the remaining period. The most relevant provisions of the 2009 Code are at Annex B.

The Investigation

8. The investigation has taken an unacceptable length of time. The main causes of delay included –

**ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)**

- The suspension of the investigation from January 2010 until June 2011 due to the on-going PSNI investigations.
 - The inability to interview Mrs Robinson or, until late January 2013, to obtain a medical report that she was unfit for interview.
 - The time required, following the transfer of the investigation to me in September 2012, to read the voluminous papers gathered by the Interim Commissioner.
 - The legal challenge to submission of the report to the Committee.
9. In addition to interviewing all key witnesses with the exception of Mrs Robinson, documents were obtained from a wide range of sources including the BBC, the Public Prosecution Service and Castlereagh Borough Council.
10. The documents and other evidence obtained in the course of this investigation and used by me in my consideration of the matter are listed at Annex D. These represent only a small proportion of the total material ingathered. The remaining material was not used by me in reaching my final decision. Where practicable, the text has footnotes referencing the relevant documents. Where there is no prejudice to the public interest in knowing how a conclusion has been reached confidential and other personal information has been redacted. The right to make such redactions was confirmed by the Committee on 18 March 2013.⁴
11. Mrs Robinson would plainly have been a key witness. Numerous attempts were made, in vain, both by the Interim Commissioner and by me to arrange interviews with her. Only in January 2013 did her solicitors furnish a report by a consultant psychiatrist which concluded –

'In my opinion were she to participate in the proposed interview it would have a serious adverse impact on her health' *****
*****⁵

12. In light of that expert opinion I resolved to complete the investigation without the benefit of interviewing Mrs Robinson. I obtained from PPS

⁴ Document 22

⁵ Document 3 page 4

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

copies of the statements she had made to the police in connection with their investigation. I am satisfied that these statements, made much closer in time to the events under consideration, are more likely be reliable than any account that could now be given if Mrs Robinson became fit for interview.

13. Pursuant to Direction 6.3 of the General Procedures Direction⁶ I wrote to Mr Robinson and the solicitors representing Mrs Robinson in October 2013 affording them the opportunity to challenge any of my draft findings in fact. The solicitors for Mrs Robinson did not challenge any specific finding but said that their client *'would simply challenge any draft finding which runs contrary to or conflicts with her account of the key events and circumstances as outlined in the interview note extracts previously supplied.'*⁷ Mr Robinson, whilst commenting at length on whether on the basis of the draft findings he could be found to be in breach of the Code, did not challenge any of my draft findings in fact. Having given careful consideration to the two responses I concluded that no case for any revision of the draft findings had been made out.
14. On 22 November 2013 I sent my report to the Clerk to the Committee who, in accordance with the usual practice, passed a copy of it to Mr Robinson and to the solicitors acting for Mrs Robinson.
15. In January 2014 the solicitors acting for Mrs Robinson advised me that their client accepted the accuracy of all the findings in fact sent to them under cover of my letter of 8 October 2013⁸ and that she had breached the provisions of the Code of Conduct by failing to register in the Register of Members Interests her interests in either of the two payments of £25k or the payment of £5k. They confirmed their client's acceptance of these matters in a letter dated 13 February 2014.⁹

⁶ Full title 'The Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2012

⁷ Document 21

⁸ Document 9

⁹ Document 23

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

16. In these letters the solicitors challenged the lawfulness of the inclusion in my report of certain documents or parts of documents. They asserted, inter alia, that these were no longer necessary in light of their client's admissions and further that their inclusion in the report would infringe her Convention Rights. In February 2014 I withdrew my original report which had not, in light of the on-going legal issues, been made available to the Committee. Following advice from senior counsel I submitted a revised report to the Clerk to the Committee on 31 March 2014. On receipt of pre-action correspondence from Mrs Robinson's solicitors I withdrew that report to enable me to take further legal advice. Thereafter I offered, through my solicitors, to redact a small proportion of the material to which objection had been taken provided that there would be no further legal challenges to my submission of the report to the Committee. By letter dated 2 July 2014 Mrs Robinson's solicitors confirmed her acceptance of that offer.

Other Investigations

17. Other organisations have considered, and in some instances undertaken, their own investigations into some or all of the allegations made. An outline of these investigations is at Annex C.

Relevance of Allegations

18. In this section I consider whether, even if established following investigation, the conduct set out in each allegation could constitute a breach of the Members' Code of Conduct.

*****.

19. *****

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Allegation 2 - That in summer 2008 Mrs Robinson obtained £25k from each of two property developers, Fred Fraser and Ken Campbell, and gave the money to Kirk McCambley.

20. Whilst this conduct itself could not, in the absence of unlawful conduct, constitute a breach of the Code it could be of relevance in relation to Allegation 9. Consideration has also been given to whether there was any breach of the Advocacy Rule. The investigation of this allegation is, accordingly, necessary.

Allegation 3 - That Mrs Robinson required Kirk McCambley to pay her £5k in cash out of the £50k he had received.

21. Whilst this conduct itself could not, in the absence of unlawful conduct, constitute a breach of the Code it could be of relevance in relation to Allegation 9. Its investigation is, accordingly, necessary.

Allegation 4 - That Mrs Robinson failed to declare her pecuniary interest at the meeting of Castlereagh Borough Council on 28 August 2008 when the signing of the lease of the Lock Keepers Café to Kirk McCambley was authorised.

22. Any acts of omissions of Mrs Robinson at the meeting of the Council occurred whilst she was acting in her capacity as a councillor not in her capacity as a Member. Accordingly, even if established, the conduct would be outwith the scope of the Code. Its further consideration as part of this investigation is not merited.

Allegation 5 - That by her failure to declare her pecuniary interest Mrs Robinson broke local government law.

23. For the reasons given in relation to Allegation 4 the further consideration of this allegation is not merited as part of this investigation. Further and in any event, the Committee on Standards and Privileges confirmed at their meeting on 5 June 2013 that in their view *'the criminal conduct of a*

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

*Member, other than when discharging his or her duties as a Member, cannot constitute a breach of the current Code of Conduct.*¹⁰

Allegation 6 - That by her failure to declare her pecuniary interest Mrs Robinson broke 'as many as five elements of the councillor's code of conduct rule book'.

24. The 'councillor's code of conduct rule book', unlike the Members' Code of Conduct' is advisory only. There are no sanctions for breaking its provisions. For the reasons given in relation to Allegation 4 the further consideration of this allegation is not merited as part of this investigation.

Allegation 7 - That Mrs Robinson failed to report to the Electoral Commission her receipt of either of the two sums of £25k.

25. At the relevant time Mrs Robinson was an MLA, an MP and a councillor and was, in each of these capacities, under a duty to report to the Electoral Commission certain donations received by her in connection with her political activities. Failure so to do was, and remains, a criminal offence. If it was established that she had, whilst acting in her capacity as an MLA, broken this law that could constitute a breach of the Code. The investigation of this allegation is necessary.

Allegation 8 - That Mrs Robinson failed to register in the House of Commons Register of Members Financial Interests her receipt of either of the two sums of £25k.

26. Whilst Mrs Robinson had, in her capacity as an MP, a duty to register certain receipts in the House of Commons Register of Members' Financial Interests she was under no such duty in her capacity as an MLA. This allegation, even if established, could not constitute a breach of the Assembly Members' Code of Conduct and, accordingly, its further consideration as part of this investigation is not merited.

Allegation 9 - That Mrs Robinson failed to register in the Northern Ireland Assembly Register of Members' Interests her receipt of either of the two sums of £25k.

¹⁰ Document 4

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

27. This conduct, if established, could constitute a breach of the Code. Its investigation is necessary.

Allegation 10 - That in the summer of 2008 Mrs Robinson lobbied on behalf of one of the property developers, Kenneth Campbell, in support of a proposed development in Newtownards in which he had a major interest.

28. Whilst lobbying itself could not constitute a breach of the Code, lobbying in return for payment or other benefit clearly could. The investigation of this allegation is necessary.

29. *****

Allegation 12 - That as First Minister Mr Robinson contravened the Ministerial Code of Conduct in that, having become aware of the alleged receipt of the two sums of £25k by his wife, he failed to inform the House of Commons, the Northern Ireland Assembly, Castlereagh Borough Council and Electoral Commission.

30. The allegation is of breaching not the Members' Code of Conduct but the Ministerial Code of Conduct. Alleged breaches of the Ministerial Code are not breaches of the Members' Code unless there is a clear overlap between the Minister's alleged conduct and his or her duties as a Member. For the purpose of assessing the relevance of this allegation I have proceeded on the basis that such an overlap existed and that the alleged payments were received by Mrs Robinson.

31. The allegation that Mr Robinson breached the Ministerial Code of Conduct was the subject of advice from Paul Maguire QC (as he then was). Further information on it is given at Annex C paragraphs 16 -19.

32. I have found no authority to support the assertion made in the Spotlight programme that the Members' Code of Conduct imposes any duty on an

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

MLA to report payments received by his or her spouse in connection with that spouse's political activities to the House of Commons, to Castlereagh Borough Council or to the Electoral Commission. I am satisfied that no such duty exists. I note that Mr Robinson ceased to be a member of the Council in 2007 and an MP in 2010.

33. It follows that even if, following investigation, it was established that Mr Robinson was aware of these payments and that he had not informed these authorities of them, he would not have breached the Members' Code. In these circumstances the further consideration of these aspects of this allegation are not merited as part of this investigation.
34. But the allegation also asserts a breach of the Members' Code by failure to inform the Northern Ireland Assembly of the alleged receipts by his wife. For the purpose of considering the relevance of this part of this allegation against Mr Robinson I have proceeded on the basis that Mrs Robinson was under a duty to register the payments in the Register of Members' Interests.
35. Determining the relevance of this aspect of this allegation against Mr Robinson turns on the proper interpretation of certain provisions of the Members' Code of Conduct. That Code provides two methods by which Members must place on record any financial interest to which the Code applies. These methods are registration in the Register of Members' Interests and disclosure, when relevant, in any proceedings of the Assembly. These apart, the Code imposes no duty on Members 'to inform' the Assembly of relevant interests. In the Spotlight programme it was not suggested that Mr Robinson had failed to disclose a relevant interest in the course of Assembly proceedings and it would appear that the allegation relates to his alleged failure to register interests in the Register.
36. As the 1999 Code makes clear the main purpose of the Register of Members' Interests is to –

'provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a member of the Northern Ireland Assembly.’¹¹

37. The Guide to the Rules Relating to the Conduct of Members, which is an integral part of the 1999 Code, sets out in detail the eleven categories of interests which a Member must register. It is noted that only four out of the eleven categories relate to benefits received by the Member’s partner as well as those received by the Member him or herself. In these four instances benefits received by the partner

‘which in any way relate to membership of the Assembly (including those received in a Ministerial capacity) or to a member’s political activity’

have to be registered.

38. The 2009 Code is not materially different in relation to its provisions relevant to this investigation.¹²
39. It is doubtful if those who drafted the provision had in mind the possibility of two partners both being Members. In such a case it could perhaps be argued that the text could be interpreted as imposing a duty on a Member (A) to register a relevant benefit that related to his partner’s (B’s) membership of the Assembly. On that interpretation and on the basis of the assumptions set out above Mr Robinson would have been under a duty to register the benefits received by his wife.
40. I am satisfied, however, that such would not be a sound interpretation of the provision. Had that been the intention the provision could readily have been drafted to make that clear. It is apparent that the true purpose of the ‘partner provision’ was to secure that a Member could not avoid registration of a benefit connected to his or her duties as a Member or his or her political activity simply by arranging that the payment was made to his or her partner.

¹¹ Please see Annex A

¹² Please see Annex B

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

41. The correct interpretation of the 'partner provision' is, in my opinion, put beyond doubt by the wording of the Members' Interests Registration Form approved by the Committee on Standards and Privileges on 30 September 2009.¹³ In respect of the categories containing the 'partner provision' that form provides for the registration of benefits -

*'which in any way relate to **your**(my emphasis) membership of the Assembly'.*

42. Against that background I am satisfied that on a correct interpretation of the Code of Conduct Mr Robinson had no duty to register any benefits received by Mrs Robinson even if he knew of them and believed that they were connected with her membership of the Assembly or her political activities. He would, of course, have been under a duty to register benefits received by his wife connected with his own membership or political activities. There is no evidence of any such benefits.
43. Accordingly, I have concluded that even if any part of this allegation proved to be founded in fact, any failure on the part of Mr Robinson could not constitute a breach of the Members' Code of Conduct. The further consideration of this allegation in relation to this investigation would serve no useful purpose.
44. For the same reasons I am satisfied that Mr Robinson was under no duty under the either Code to inform the Assembly of any payment made by Mr McCambley to his wife.

Allegation 13 - That Mr Robinson failed to tell the proper authorities that his wife had broken the law by (a) failing to declare her financial interest in a public contract; and (b) by accepting £50k from two property developers and failing to declare it.

45. Whilst the Spotlight programme was not specific it is likely that the term 'the proper authorities' was intended to be a reference to the bodies referred to in Allegation 12 namely, the House of Commons, the Northern

¹³ Document 13 pages 8 & 9. The text on page 10, which omits the word 'your' relates only to overseas benefits and gifts and is not relevant to the matters under consideration. The omission was probably an error. The omission does not occur in the revised form (Document 14 page 10)

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Ireland Assembly, Castlereagh Borough Council and the Electoral Commission. However, because of the lack of specification I have regarded the police as being within the scope of the allegation.

46. The first leg of the allegation is that Mr Robinson failed to inform these authorities that his wife had broken the law by failing to declare her financial interest in a public contract. For the purpose of determining whether this alleged failure could constitute a breach of the Code of Conduct I have proceeded on the basis that the allegations regarding Mrs Robinson are founded in fact.
47. There is no express provision in the Code of Conduct imposing on Members a duty to inform the Assembly of breaches of the law by other Members. That is not surprising when the consequences of such a duty are considered. It would mean, for example, that if a Member was a passenger in a car being driven by another Member, he or she would be under a duty to report to the Assembly any breaches of road traffic law committed by the driver. The purpose of such a duty would presumably be to enable action to be taken against the offender for breaching the Code of Conduct. However, in light of the guidance given by the Committee of Standards and Privileges to the effect that the criminal conduct of Members, other than in their capacity as Members, cannot constitute a breach of the Code¹⁴, it is apparent that such a duty would, in very many cases, serve no useful purpose. Providing information to the authorities on law breaking by others is, particularly in this jurisdiction, an emotive matter. If the Assembly had, when approving the Codes of Conduct, intended to create such a duty I find it inconceivable that it would not have been set out clearly in the text. Going even further, by imposing a duty on one spouse to inform on law breaking by the other, would have been even more contentious.
48. I have considered whether a general duty to inform the Assembly of law breaking by others could be derived from the Principles of Conduct set out in the Codes. For the reasons I have given I do not believe that approach to be sustainable.

¹⁴ Document 4

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

49. I have found nothing to support the proposition advanced in the Spotlight programme that Mr Robinson was under any duty to report anything regarding his wife's alleged conduct to the House of Commons, to Castlereagh Borough Council (of which at the relevant time he was no longer a member) or to the Electoral Commission.
50. As a Member, Mr Robinson was required to observe the Principles of Conduct including that of Public Duty. Under section 5 of the Criminal Law Act (Northern Ireland) 1967 it is the duty of every person who knows or believes that a relevant offence has been committed and that he or she has information likely to secure, or be of material assistance in securing the apprehension, prosecution or conviction of any person for that offence to give that information, within a reasonable time, to a constable.
51. 'Relevant offence' is defined in section 4 of the Act as being an offence for which the penalty is fixed by law or for which a person may be sentenced to imprisonment for a term of five years or more. If the allegation that Mrs Robinson had failed to declare a pecuniary interest to Castlereagh Borough Council was established it would have constituted a contravention of section 28(1) of the Local Government Act (Northern Ireland) 1972. The maximum term of imprisonment for that offence is one year. It follows that even if Mr Robinson had relevant information about a contravention by his wife of section 28(1) of the 1972 Act he would have been under no duty under section 5 of the 1967 Act to report it to the police.
52. So, even if after investigation, the first leg of this allegation was established, it could not constitute a breach of the Code of Conduct.
53. The second leg of this allegation relates to Mr Robinson's alleged failure to inform the proper authorities that his wife had broken the law by failing to declare her receipt of £50k from two property developers.
54. In relation to the House of Commons, the Northern Ireland Assembly, Castlereagh Borough Council and the Electoral Commission this leg of the allegation is identical to the first leg. For the reasons given it merits no further consideration.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

55. Under Schedule 7 to the Political Parties, Elections and Referendums Act 2000 the maximum penalty for failure to report a donation is below the threshold of 5 years imprisonment required to engage section 5 of the 1967 Act. It follows that even if it was established that Mr Robinson knew that Mrs Robinson had failed in her duty to report donations to the Electoral Commission he would not have been amenable under section 5 of the 1967 Act.
56. If, after investigation, it transpired that Mr Robinson had information that his wife had received corrupt payments from either or both of the two developers he would, under section 5 of the 1967 Act, have been under a duty to give that information to the police. He would have been under that duty irrespective of his being a Member. Failure on his part would have been an offence under section 5. But that criminal conduct would not have been a breach of the Code of Conduct because it would not have occurred in his capacity as a Member.¹⁵
57. I am satisfied that even if the truth of this leg of this allegation was established it would not constitute a breach by Mr Robinson of the Members' Code of Conduct.
58. Accordingly, I have concluded that even if any part of this allegation proved to be founded in fact, any failure on the part of Mr Robinson could not constitute a breach of either the 1999 or the 2009 Members' Code of Conduct. The further consideration of this allegation in relation to the current investigation would serve no useful purpose.

Summary

59. Three of the allegations against Mrs Robinson (Allegations 4, 5, 6, and 8) could not, under any circumstances, constitute a breach of the relevant Members' Code. Their further consideration as part of this investigation would be inappropriate. The remaining six allegations against her could either constitute a breach of the 1999 Code or be relevant in relation to other breach allegations. Investigation of these six allegations is necessary.

¹⁵ Document 4

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

60. None of the three allegations against Mr Robinson could, even if established after investigation, constitute a breach of either the 1999 or the 2009 Members' Code of Conduct. Their further consideration, as part of this investigation, would be inappropriate.

Findings in fact

61. In this section of my report I set out the facts that I have found established in relation to those allegations against Mrs Robinson that, if proved, could constitute a breach of the Code of Conduct, or which could have a bearing on these matters. These allegations are as follows -

Allegation 1 - ~~*****~~
~~*****~~
~~*****~~;

Allegation 2 - That in summer 2008 Mrs Robinson obtained £25k from each of two property developers, Fred Fraser and Ken Campbell, and gave the money to Kirk McCambley;

Allegation 3 - That Mrs Robinson required Kirk McCambley to pay her £5k in cash out of the £50,000 he had received;

Allegation 7 – That Mrs Robinson failed to report to the Electoral Commission her receipt of either of the two sums of £25k;

Allegation 9 - That Mrs Robinson failed to register in the Northern Ireland Assembly Register of Members' Interests her receipt of either of the two sums of £25k; and

Allegation 10 - That in the summer of 2008 Mrs Robinson lobbied on behalf of one of the property developers, Kenneth Campbell, in support of a proposed development in Newtownards in which he had a major interest.

62. I find the following facts established –

**ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)**

1. Mrs Robinson first met Kirk McCambley when he was working in his father's butchers shop.¹⁶
2. ★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★
★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★
★★★★★★★★★★★**
3. ★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★**
4. ★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★**
5. ★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★**
★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★★**
6. Mrs Robinson and her husband had both been friends of the late Mr Fred Fraser and Mr Ken Campbell for more than 30 years prior to 2008²¹
7. Both these individuals were well known as property developers particularly in North Down.²²
8. Both had supported charitable causes in which Mrs Robinson had been involved.²³
9. In common with other developers, both Mr Fraser and Mr Campbell were accustomed to seeking the support of councillors, including Mrs Robinson, for their developments. Only when she considered it appropriate did she give that support.²⁴
10. In 2008 Mr Campbell sought Mrs Robinson's support for his application for planning permission for the development of social housing at Beverley Road, Newtownards.²⁵
11. Following that request from Mr Campbell, Mrs Robinson, on 3 July 2008, wrote to the Planning Service expressing her support for that application and setting out her view that there was an urgent need

¹⁶ Document 23
★★★★★★★★★★★
★★★★★★★★★★★
★★★★★★★★★★★
★★★★★★★★★★★

²¹ Document 21 paragraph 45, Document 7 paragraph 4, Document 8, Document 23
²² Document 2 pages 9, 11, 14 & 15, Document 23
²³ Document 23
²⁴ Document 23
²⁵ Document 23

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

for social housing in Newtownards. Her letter was on House of Commons notepaper.²⁶

12. In May 2008 Mrs Robinson approached the late Mr Fraser and sought financial assistance to enable Kirk McCambley to set up in business. She explained that Kirk was the recently bereaved son of Billy McCambley. Mr Fraser and Billy McCambley were known to each other.²⁷
13. At that time Mrs Robinson was unaware that Castlereagh Borough Council was seeking a tenant for the Lock Keepers Cafe.²⁸
14. Mr Fraser agreed to provide support in the form of a payment of £25k. The conditions attaching to the payment included the following –
 - Kirk McCambley was to give £5k of the £25k to Mrs Robinson to use for charitable purposes of her choice;
 - if Kirk McCambley no longer required the money it was to be given to Mrs Robinson to use for charitable purposes of her choice;
 - if, in Mrs Robinson’s opinion, the money was not being used wisely then the whole sum was to be given to Mrs Robinson to use for charitable purposes of her choice.²⁹
15. That the payment was a gift.³⁰
16. This payment of £25k was made by cheque dated 23 June 2008 payable to Kirk McCambley.³¹
17. That cheque was handed by Mr Fraser to Mrs Robinson and passed on by her to Kirk McCambley who lodged it in his account.³²
18. The cheque cleared on 26 June 2008.³³
19. Kirk McCambley subsequently paid sums amounting to £5k to Mrs Robinson.³⁴

²⁶ Documents 10 & 23

²⁷ Document 21 paragraph 21, Document 23

²⁸ Document 23

²⁹ Document 6 paragraph 23, Document 15, Document 23

³⁰ Document 6 paragraph 41, Document 23

³¹ Document 6 paragraph 23

³² Document 23

³³ Document 23

³⁴ Document 6 paragraphs 21, 27 & 28, Document 15 paragraph 42, Document 23

**ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)**

20. Between the date on which Mr Fraser agreed to make the payment and the date of payment Mrs Robinson became aware that the Council was seeking a tenant for the Lock Keeper's Cafe.³⁵
21. On 18 December 2008 it was agreed that Kirk McCambley would repay £20k to the estate of the late Mr Fraser and that Iris Robinson would pay the estate the balance of £5k.³⁶
22. In January 2009 solicitors acting for Kirk McCambley paid £20k to the estate of the late Mr Fraser in part repayment of this £25k.³⁷
23. Following her successful approach to Mr Fraser, Mrs Robinson asked Mr Ken Campbell for money to help Kirk McCambley set up in business.³⁸
24. Mr Campbell agreed to make an interest free unconditional loan of £25k.³⁹
25. In July 2008 Mrs Robinson facilitated a meeting at Forestside Shopping Centre between Mrs Campbell and Kirk McCambley at which a cheque for £25k payable to Kirk McCambley was handed over.⁴⁰
26. That cheque, dated 27 July 2008, cleared on 26 August 2008.⁴¹
27. On 18 December 2008 it was agreed that Kirk McCambley would repay this £25k to Mr Campbell.⁴²
28. In early March 2009 Mr Campbell received a cheque for £20k in part repayment from solicitors acting for Kirk McCambley. The balance of £5K remains due by Kirk McCambley.⁴³
29. Mr Robinson had no knowledge of either of the two payments of £25k until December 2008.⁴⁴
30. ~~*****~~
~~*****~~

³⁵ Document 23

³⁶ Document 6 paragraph 45, Document 12 paragraph 38, Document 23

³⁷ Document 6 paragraph 46, Document 23

³⁸ Document 8 page 2, Document 23

³⁹ Document 8 page 2, Document 6 paragraph 26, Document 23

⁴⁰ Document 6 paragraph 25, Document 8 page 2, Document 23

⁴¹ Document 8 page 2, Document 23

⁴² Document 6 paragraph 46, Document 15 paragraph 38 et seq, Document 23

⁴³ Document 8 page 2, Document 6 paragraphs 46 – 49, Document 23

⁴⁴ Document 7 paragraph 6, Document 23

⁴⁵ ~~*****~~

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

31. Mr Robinson first learned of the £5k paid to his wife by Kirk McCambley from the Spotlight broadcast in January 2010.⁴⁶
32. Mrs Robinson did not report to the Electoral Commission her receipt of either of the two sums of £25k or of the sum of £5k.⁴⁷
33. On her Members' Interests Registration Form dated 17 September 2001 Mrs Robinson signed the following declaration '*I have received and read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.*'⁴⁸
34. On three days each week during session, since at least September 2008, a notice reminding Members that advice on registration of interests is available from the Clerk of Standards has been one of those displayed in rotation on the monitors in the common areas of Parliament Buildings.⁴⁹
35. At no time between March 2007 and her resignation as an MLA did Mrs Robinson seek advice from the Clerk of Standards in respect of the need to register either of the payments of £25k by the two developers or the payment of £5k by Kirk McCambley.⁵⁰
36. At no time during that period did Mrs Robinson advise the Clerk of Standards of any of these three payments.⁵¹
37. On her Members' Interests Registration Form dated 9 November 2009 she made the following declaration '*I confirm that I have read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.*' She made no disclosure in respect of any of these three payments on that form.⁵²
38. On that form Mrs Robinson provided unrelated information under Category 10 (Miscellaneous) and Category 11 (Unremunerated Interests).⁵³
39. Mrs Robinson has accepted the findings of fact at numbers 1- 38 above and '*that she was in breach of the provisions of the Code of*

⁴⁶ Document 7 paragraph 28, Document 23

⁴⁷ Document 18 page 2, Document 23

⁴⁸ Document 13 page 1, Document 23

⁴⁹ Document 11, Document 12 page 2, Document 23

⁵⁰ Document 11, Document 12 page 2, Document 23

⁵¹ Document 11, Document 12 page 2, Document 23

⁵² Document 13 pages 2 – 15, Document 23

⁵³ Document 13 pages 13 & 14, Document 23

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Allegation 3 – That Mrs Robinson required Kirk McCambley to pay her £5k out of the £50k she had received.

66. I have found it established that Kirk McCambley did pay £5k to Mrs Robinson and that the source of that money was the £25k paid by Mr Fraser. The receipt of £5k from McCambley could only constitute a breach of the Code by Mrs Robinson if it was unlawful, for example, because it was part of a corrupt arrangement with Mr Fraser or because it was obtained by unlawful threats. There is no evidence of any such criminality. Mrs Robinson did not breach the Code of Conduct by receiving £5k from Mr McCambley. However, the facts in relation to this allegation bear on Allegation 9.

Allegation 7 – That Mrs Robinson failed to report to the Electoral Commission her receipt of either of the two sums of £25k.

67. I have found as fact that Mrs Robinson did not report to the Electoral Commission either of the two sums of £25k. I have also found that she made no report to the Commission in respect of the £5k received from Mr McCambley. At the relevant times Mrs Robinson was an MP, an MLA and a councillor. In all three capacities she was the holder of a relevant elective office for the purposes of Schedule 7 to the Political Parties, Elections and Referendums Act 2000. As such she was under a duty to report to the Electoral Commission any donation in excess of £1k⁵⁵ she received in connection with her political activities.⁵⁶ However, I have found no evidence that any of these payments were, in fact, in connection with any of her political activities. That being so, Mrs Robinson was under no duty to report these matters to the Electoral Commission. It follows that no issue of failing to uphold the law, and so of breaching the Code, arises in relation to this allegation.

Allegation 10 – That in summer 2008 Mrs Robinson lobbied on behalf one of the property developers, Ken Campbell, in support of a proposed development in Newtownards in which he had a major interest.

⁵⁵ The sum has since been raised to £1.5k

⁵⁶ Political Parties, Elections and Referendums Act 2000 Schedule 7 paragraphs 1, 10 & 11

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

68. I have found in fact that on 3 July 2008 Mrs Robinson wrote to the Planning Service in support of a proposed development by Mr Campbell in Newtownards. Although Mr Campbell made his payment of £25k within three weeks of that letter being written, I found no evidence of any corruption or impropriety in relation to this matter by either Mrs Robinson or Mr Campbell. Nor have I found any evidence that Mrs Robinson acted in anyway contrary to the Advocacy Rule set out in the Code. However, whilst the established conduct does not constitute a breach of the Code, the facts in relation to this allegation bear on Allegation 9.

Allegation 9 – That Mrs Robinson failed to register in the Northern Ireland Assembly Register of Members’ Interests either of the two sums of £25k.

69. I consider here also registration in respect of the payment of £5k.

70. The 1999 Code of Conduct and the Guide to the Rules relating to the Conduct of Members are clear as to the duty of members to register their interests. The Code requires that -

'Members shall fulfil conscientiously the requirements of the Assembly in respect of the registration of interests in the Register of Members' Interests ...'.

71. The Guide, after making clear that no guidance can be comprehensive and that when in doubt Members' should seek advice provides -

'Members are required to register their pecuniary interests in the Register of Members' Interests.'

72. The main purpose of that Register is defined as being -

*'To provide information of any pecuniary interests or other material benefit which a Member receives **which might reasonably be thought by others** to influence his or her actions or votes in the Assembly.'* [my emphasis]

73. Members are reminded that when considering their duty to register interests they must, apart from the specific rules, -

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

'keep the overall definition of the Register's purpose in mind when registering their interests.'

74. It is further provided that -

'Members are responsible for making full disclosure of their interests, and if they have relevant interests that do not fall into one or other of the specified categories, they are nonetheless expected to register them.'

75. On the facts I have found established Mrs Robinson arranged for two payments, each of £25k, to be made by two well-known property developers whose work she had on occasion supported. The payments were made to enable Kirk McCambley, a young man with little business experience ~~*****~~ ~~*****~~, to set himself up in business. She later received £5k from this young man. This £5k was paid from one of the payments of £25k facilitated by Mrs Robinson.

76. Whilst I have found no evidence that any of the three payments was in fact related to her role as an MLA I have no doubt that the reasonable person when faced with these facts might very reasonably think that the payments were corrupt and that they might influence Mrs Robinson's actions or votes in the Assembly. That being so I was, before the admissions made in the letters from her solicitors, satisfied that Mrs Robinson was under a duty to register the three payments in the Register and that she failed so to do. By her failures she was in breach of the provisions of the 1999 Code and the Guide. She has admitted these three breaches.

77. I have found it unnecessary to reach a view on the true nature of the three payments. Whilst it seems clear that the payment by Mr Fraser was a gift it is unclear whether the donee was Mrs Robinson, Mr McCambley or charitable causes to be selected by Mrs Robinson when Mr McCambley no longer needed the money. There is evidence to support all these options. It is unlikely that the parties gave any great consideration to the matter at the time the payment was agreed. Nor is it necessary for me to

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

do so. Whilst the identity of the donee would affect the category under which the payment should have been registered (Category 5 if gift to Mrs Robinson; Category 11 in other cases) it is immaterial to the issue of whether or not there was a failure to register.

78. Similarly with the payment by Mr Campbell it is clear that this was a loan but unclear whether it was a loan to Mrs Robinson or a loan to Mr McCambley facilitated by Mrs Robinson. Again there is conflicting evidence: again, and for the same reasons, I find it unnecessary to resolve the conflict. Whatever the truth of the matter the payment fell to be registered under Category 5 (if the loan was to Mrs Robinson and her benefit from its interest free nature exceeded the sum specified for that category), Category 10 (if the loan was to Mrs Robinson but her benefit did not exceed that sum) or Category 11 (if the loan was to Mr McCambley but facilitated by Mrs Robinson).
79. The payment of £5k to Mrs Robinson by Mr McCambley was so inextricably linked to the payment of £25k by Mr Fraser that it should have been registered by Mrs Robinson under Category 11. It matters not whether the payment of £5k was a condition of the original loan or whether it was a demand made by Mrs Robinson ~~*****~~
~~*****~~.
80. During police interview Mrs Robinson claimed to be unaware of her duty to register her interests or to have read the Code of Conduct. Given Findings in Fact 33 - 38 and the fact that she had previously been the subject of complaints that she had breached the provisions of the Code,⁵⁷ I find it hard to accept her claim as honest. However, since I have been unable to interview her about this matter I stop short of concluding that it was a deliberate untruth. If it was true, as she asserted, that she had never read the Code her failure demonstrates a total disregard for the ethical standards rightly expected of Members and is impossible to reconcile with the declaration that she had read the Code which she

⁵⁷ Report on Complaints against Mrs Iris Robinson MP MLA Report Number 48/08/09R

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

signed her on both her 2001 and 2009 Registration of Members' Interests Forms.⁵⁸

81. There is a more obvious and credible reason for her failure to register any of the three payments. Registering them would have put them in the public domain and brought them to the attention of her husband from whom she was at pains to withhold all details of the payments *********
*********. Whilst this reason would have been understandable, it would not in any way have excused her failure to register the payments.
82. Had Mrs Robinson still been a Member I would have found it necessary to make further inquiry *********

*********. The outcome of such inquiry might have been a mitigating factor. But as no sanction can be imposed on Mrs Robinson as a result of this investigation I have not considered it appropriate to make that further inquiry.

Conclusion

83. Of the various allegations made against Mrs Iris Robinson in the Spotlight programme I am satisfied that her sole breaches of the Members' Code of Conduct were her failure to register her interest in any of the three payments. Although there is no evidence that any of the three payments was in fact connected with her role as an MLA they would assuredly have been perceived, by members of the public who became aware of them, as likely to influence her actions as an MLA. The fact that she failed to register them itself adds weight to the perception of their improper nature. In these circumstances she had a clear duty to register the payments. She failed in that duty. Her failure was a serious breach of the 1999 Code of Conduct. It is a matter of regret that her admissions of breaching the Code were not made until after the investigation had been completed.

⁵⁸ Document 13 page 1, Document 14 page 1

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

84. I am satisfied that none of the allegations made in that programme against Mr Peter Robinson could, even if established as true, constitute a breach of either the 1999 or the 2009 Code of Conduct.

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

3 July 2014

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Annex A

MOST RELEVANT 1999 CODE PROVISIONS

‘PUBLIC DUTY

Members have a duty to uphold the law and to act in all occasions in accordance with the public trust placed in them.’

‘PERSONAL CONDUCT

Members shall observe the general principles of conduct identified by the Committee on Standards in Public Life as applying to the holders of public office:-’

‘Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations which might influence them in the performance of their official duties.’

‘Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.’

‘Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public’s trust and confidence in the integrity of the Assembly and never undertake any action which would bring the Northern Ireland Assembly, or its Members generally, into disrepute.’

‘Members shall fulfil conscientiously the requirements of the Assembly in respect of registration of interests in the Register of Members’ Interests’

‘No Member shall act as a paid advocate in any proceeding of the Assembly.’

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

'The Guide to the Rules relating to the Conduct of Members

INTRODUCTION'

- '2. No written guidance can provide for all circumstances; when in doubt Members should seek the advice of the Clerk of Standards who, if necessary, will seek the adjudication from the Committee on Standards and Privileges.'
- '5. The Assembly has two distinct but related methods for the disclosure of the personal financial interests of its Members: registration of interests in a Register which is open to public inspection; and declaration of interest in the course of debate in the Assembly and in other contexts. The main purpose of the Register is to give public notification on a continuous basis of those pecuniary interests held by Members which might be thought to influence their Assembly conduct or actions. The main purpose of declaration of interest..... .'
- '6. The rules described in this Guide derive their authority from a resolution of the Assembly, rather than statute or common law, and are therefore enforceable by the Northern Ireland Assembly.'

'1. REGISTRATION OF MEMBERS' INTERESTS

8. Under the Resolution agreed by the Assembly on 14 December 1999, and under the Code of Conduct, Members are required to register their pecuniary interests in the Register of Members' Interests. The duty of compiling the Register rests with the Clerk of Standards.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

DEFINITION OF THE REGISTER'S PURPOSE

9. The main purpose of the Register of Members' Interests is to provide information of any pecuniary interests or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or action taken in his or her capacity of a Member of the Northern Ireland Assembly. Provision is also made for the registration of relevant non-pecuniary interests. The registration form specifies eleven Categories of registrable interests which are described below. Apart from the specific rules, there is a more general obligation upon Members to keep the overall definition of the Register's purpose in mind when registering their interests.'

'DUTIES OF MEMBERS IN RESPECT OF REGISTRATION

10. After an election After the initial publication of the Register,, it is the responsibility of Members to notify changes in their registrable interests within four weeks of each change occurring.'
- '12. Members are responsible for making a full disclosure of their interests, and if they have relevant interests which do not fall clearly into one or other of the specified categories, they are nonetheless expected to register them.'

'THE CATEGORIES OF REGISTRABLE INTEREST'

Category 5

'Gifts, benefits and hospitality (UK): Any gift to the Member or the Member's partner of greater value than £125 or any material benefit of a value greater than 0.5 per cent of the Member's Assembly salary from any company, organisation or person within the UK which in any way relates to the membership of the Assembly.

23. The specified financial value above which gifts, hospitality and any other benefit must be registered are:-
- (a) for tangible gifts (such as money, jewellery, glassware etc.), £125;

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

(b) for other benefits (such as hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services, etc.) 0.5 per cent of a Member's annual Assembly salary.'

'Category 10

Miscellaneous: Any relevant pecuniary interest, not falling into one of the above categories, which nevertheless falls within the definition of the main purpose of the Register which is "to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly."

32. The main purpose of this Category is to enable Members to enter in the Register any pecuniary interests which they consider to be relevant to the Register's purpose, but which do not obviously fall within any of the other categories. It is a cardinal principle that Members are responsible for making a full disclosure of their own interests in the register; and if they have relevant interest that do not fall clearly into or other of the specified Categories, they will nonetheless be expected to register them.

Category 11

Unremunerated interests: Any unremunerated interests which might reasonable be thought by others to influence a Member's actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly, even though the Member receives no financial benefit.

33. Members Where a Member considers that an unremunerated interest, other than a directorship, which the Member holds might be thought by others to influence his or her actions in a similar manner to a remunerated interest, such interests should be registered here.'

'3. THE ADVOCACY RULE

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Guidelines on the application of the advocacy rule

54. If a financial interest is required to be registered in the Register of Members' Interests, or declared in debate, it falls within the scope of the advocacy rule. The following Guidelines will assist Members in applying the rule.'

Paragraphs 55 - 64 provide detailed guidance on the application of the rule.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Annex B

MOST RELEVANT PROVISIONS OF THE 2009 CODE

‘Scope

It is important to note that this Code aims to cover the conduct of all Members with respect to anything Members say or do in their capacity as an elected Member of the Assembly. However, it does not, for example, cover:

- The conduct or activities of Members in their private and family life;
- Allegations in respect of the conduct of Ministers, where such an allegation is essentially an allegation that falls within the scope of the Ministerial Code and where the allegation does not clearly overlap with the Minister’s conduct and duties as a Member.
- Conduct or comments made by Members in the Chamber when the Assembly is sitting (other than that referred to in Standing Order 70).’

‘Principles of Conduct

Members shall observe the following principles of conduct, which include principles based upon the general principles of conduct identified by the Committee on Standards in Public Life as applying to the holders of public office, and further principles agreed by the Assembly:

Public Duty

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.’

‘Integrity

Members should not place themselves under any financial or other obligation to outside individuals or organisations which might reasonably be thought by others to influence them in their duties as a Member of the Assembly.’

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

‘Honesty

Members should act honestly. They have a duty to declare any private interests relating to their public duties. Members should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.’

‘Rules of the Code of Conduct

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public’s trust and confidence in the integrity of the Assembly and never undertake any action which would tend to bring the Assembly into disrepute.’

‘Members shall fulfil conscientiously the requirements of the Assembly in respect of the registration of interests in the Register of Members’ Interests’

‘No Member shall, in return for payment or benefit, advocate or initiate any cause or matter on behalf of any outside body or individual, in any proceedings of the Assembly. Furthermore, Members shall not, in return for benefit or payment, urge any other Member to do so.’

‘The Guide to the Rules Relating to the Conduct of Members’

‘2. No written guidance can provide for all the circumstances and the examples provided do not therefore constitute an exhaustive list. When in doubt Members should seek the advice of the Clerk of Standards who, if necessary, will seek adjudication from the Committee on Standards and Privileges.’

‘5. The Assembly has two distinct but related methods for the disclosure of the personal financial interests of its Members: registration of interests in the Register of Members Interests; and declaration of interest in the course of

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

making a speech or asking questions in the Assembly Chamber or in Committee, or participation in any other proceedings of the Assembly.

- The main purpose of the Register is to give public notification on a continuous basis of those financial interests held by Members which might be thought to influence their conduct in carrying out their Assembly duties.'

'6. Northern Ireland Ministers and junior Ministers are subject to the rules of registration, declaration and lobbying in the same way as other Members. The requirements of the Assembly's Code of Conduct also continue to apply to the conduct of Ministers. In addition, however, Ministers are also subject to the Ministerial Code of Conduct in order to ensure that, inter alia, no conflict arises, nor appears to arise, between their private interests and their public duties. The Committee on Standards and Privileges will not investigate alleged breaches of the Ministerial Code of Conduct. Neither will the Committee on Standards and Privileges investigate a breach of the Assembly's Code of Conduct in respect of the conduct of Ministers, where such an allegation is essentially an allegation that falls within the scope of the Ministerial Code and where the allegation does not clearly overlap with the Minister's conduct and duties as a Member.'

'Registration of Members' Interests

8. Definition of the Register's Purpose.

The main purpose of the Register of Members' Interests is to provide information of any financial interests or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity of a Member of the Assembly. Provision is also made for the registration of non-financial interests and other such information as the Assembly may from time to time require to be included. The registration form specifies twelve categories of registrable interests which are described below. Apart from the specific rules, there is a more general obligation upon Members

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

to keep the overall definition of the Register's purpose in mind when registering their interests.

Duties of Members in Respect of Registration

9. After an election of the Assembly, Members are required to complete a registration form and submit it to the Clerk of Standards within three months of taking their seat in accordance with Standing Orders. After the initial publication of the Register,, it is the responsibility of Members to notify changes in their registrable interests within four weeks of each change occurring in accordance with Standing Orders.

10. Any Member having a registrable interest which has not at the time been registered, shall not undertake any action to which the registration would be relevant until notification has been given to the Clerk of Standards of that interest.

11. The sole responsibility for complying with the duties placed upon them by this Guide rests with Members. Members are responsible for making a full disclosure of their interests, and if they have relevant interests which do not fall clearly into one or other of the specified categories, they are nonetheless expected to register them. Members may at any time seek the advice and guidance from the Clerk of Standards on the registration and declaration of interests.'

'The Categories of Registrable Interest'

'Category 5

Gifts, benefits and hospitality (UK): Any gift to the Member or the Member's partner, or any material benefit of greater value than 0.5% of the current salary of an Assembly Member (currently £216) from any company, organisation or person within the UK which in any way relates to the membership of the Assembly (including those received in a ministerial capacity) or to a Member's political activity.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

48. The specified financial value above which tangible gifts (such as money, jewellery, glassware etc.) and other benefits (such as hospitality, tickets to sporting or cultural events, relief from indebtedness, loan concessions, provision of services etc.) must be registered is 0.5% of the current salary of an Assembly Member, (currently £216).'

'51. Any gift, hospitality, material benefits received by the Member or, to the member's knowledge, the Member's partner or any dependent child of the Member, from any company, organisation or person which arise out of, or are related in any manner to, membership of the Assembly should be registered.

52. The rule means that any gift, or any other benefit, which in any way relates to membership of the Assembly or to a Member's political activities and which are given gratis, or at a cost below that generally available to members of the public, should be registered whenever the value of the gift or benefit is greater than the amount specified in paragraph 48.... .'

'Category 10

Miscellaneous interests: Any relevant pecuniary interest, not falling into one of the above categories.

69. Members should register here any financial interests which might reasonably be thought by others to influence a Member's actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Assembly but which do not fall clearly into any of the above Categories. It is a cardinal principle that Members are responsible for making full disclosure of their own interests in the Register; and if they have relevant interests which do not fall clearly into one or other of the specified Categories, they will nonetheless be expected to register them.'

'Category 11

Unremunerated Interests: Any relevant non-financial interest.

71. Members should register any unremunerated interest which might reasonably be thought by others to influence a Members actions, speeches or votes in the assembly, or actions taken in his or her capacity as a Member of the Assembly, even though the member receives no financial benefit.'

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

'The Advocacy Rule

Paid advocacy is not permitted. No Member shall, in any proceedings of the Assembly, in return for payment or benefit:

- advocate or initiate any course or matter on behalf of an outside body or individual;
- urge any other Member of the Assembly to do so.

If a financial interest or material benefit is required to be registered in the Register of Members' Interests, or declared in debate, it falls within the scope of the rule. The following guidelines will assist Members in applying the rule.'

Paragraphs 96 – 102 provide detailed guidance on the application of the rule.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

Annex C

OTHER INVESTIGATIONS

Electoral Commission⁵⁹

1. The Commission considered whether the allegations that Mrs Iris Robinson had failed to report to them either of the two payments of £25,000 or the single payment of £5,000 justified the initiation of an investigation for a contravention of the provisions of paragraph 12(1) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000 ('the 2000 Act').
2. At the time of the alleged payments Mrs Robinson was an MP, MLA and a District Councillor. In each role she was the holder of a relevant elective office for the purposes of Schedule 7 of the 2000 Act. As such she was under duty to report to the Electoral Commission any controlled donation in excess of £1,000 received by her.
3. Having considered the allegations against Mrs Robinson, the Electoral Commission concluded that there was insufficient evidence in the broadcast to justify the initiation of an investigation but that if new evidence became available that decision would be reviewed. It was the view of the Commission that even if it was established that any of the three payments had been received by Mrs Robinson there was nothing in the broadcast to indicate that she had received any of them 'in connection with any of (her) political activities' as required by paragraph 1(3) of Schedule 7 to the 2000 Act.
4. No new evidence has come to the attention of the Commission and the decision not to institute an investigation into the allegations into Mrs Robinson has not been reviewed.
5. Accordingly, there was no question of any investigation into any failure by Mr Robinson to comply with the provisions of the 2000 Act.

⁵⁹ Document 18

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

6. Even had it been established that Mrs Robinson had failed to report a controlled donation to the Electoral Commission there would in the Commission's view have been no duty on Mr Robinson, under the 2000 Act, to inform the Commission of his wife's failure.

Parliamentary Commissioner for Complaints

7. In January 2010 the Interim Commissioner contacted the Parliamentary Commissioner for Complaints, Mr Lyon, to advise him of his investigation and to ascertain whether there was a parallel investigation at Westminster. He was advised that, although Mr Peter Robinson had referred himself to the Standards and Privileges Committee, such a referral was not admissible under the procedure. As at 20 January 2010 no complaint about either Mr Peter Robinson or Mrs Iris Robinson had been received by the Parliamentary Commissioner for Standards.

8. In November 2011 the Interim Commissioner again contacted Mr Lyon and was advised that he –

'did not undertake any enquiry into any alleged breach of the Code of Conduct for Members of Parliament by Mr Peter Robinson or Mrs Iris Robinson following the BBC Broadcast.'

PSNI and PPS

9. A PSNI investigation into the issues raised in the Spotlight programme commenced prior to 1 February 2010. It considered the allegations against both Mr Peter Robinson and Mrs Iris Robinson.
10. No evidence of wrongdoing by Mr Peter Robinson was identified and no file in respect of his conduct was submitted to the Public Prosecution Service.⁶⁰

⁶⁰Document 19

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

11. A file was submitted to the Public Prosecution Service in respect of the conduct of Mrs Iris Robinson. On 11 March 2011 the Public Prosecution Service announced that –

‘Following careful consideration of all the available evidence, a decision has been taken not to prosecute in this case.’

Castlereagh Borough Council

12. On 30 June 2010 Castlereagh Borough Council appointed Deloitte LLP to conduct an administrative investigation into the events and circumstances surrounding the award of the lease in respect of catering facilities known as Lock Keeper’s Inn. The Council had intended to commence their investigation at an earlier date but had delayed so doing in account of the then on-going police investigation.
13. The Deloitte investigation centred on the following three issues –
- a. Whether the Council incurred any financial loss as a result of the award of the lease at the Lock Keeper’s Inn
 - b. Whether there was any impropriety of the part of Council Officers or elected representatives in the award of the lease at the Lock Keeper’s Inn
 - c. Whether officers and elected representatives complied with the provisions of specified local government legislation including the Local Government Act (Northern Ireland) 1972, the Council’s internal procedures relating to the Register of Interests and Conflicts of Interests and the Councillors’ Code of Conduct.
14. In their report dated 25 August 2011 Deloitte concluded that there was no evidence of financial loss by the Council nor was there any evidence to suggest any impropriety on behalf of council officers or Members directly involved in the assessment panel that was responsible for administering the award of the lease.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

15. In relation to the listed legislation the report found that there was no evidence of any breach by Mrs Iris Robinson.

Breach of Ministerial Code

16. In January 2010 the Minister for Finance and Personnel obtained advice from Paul Maguire QC (as he then was) in relation to the allegations made in the Spotlight programme that Peter Robinson, as First Minister, had breached the Ministerial Code, the Ministerial Code of Conduct and the Pledge of Office. In correspondence with the Interim Commissioner for Standards the Head of the Northern Ireland Civil Service confirmed that Mr Maguire had not, as had been reported in the media, been asked to carry out an investigation into these allegations.

17. On 18 February 2010 the BBC reported having seen part of the advice given by Mr Maguire which stated –

‘I’m unable to conclude that the First Minister has breached the Ministerial Code or the Ministerial Code of Conduct or the Pledge of Office.’

18. The full text of Mr Maguire’s advice has not been published. In November 2012 the Minister for Finance and Personnel declined, on grounds of legal professional privilege, my request for a copy of the advice as an aid to my investigation

19. In October 2013 I was informed by Mr Robinson that in the course of his opinion Mr Maguire had said –

*‘As a councillor, MLA and MP in her own right, Mrs Robinson personally and directly owed duties to the bodies she belonged to – the Council, the Northern Ireland Assembly and the House of Commons – to register and declare **her** interests in the normal way. She had, on a proper analysis, the **sole** obligation in this regard.’* (Mr Maguire’s emphasis)

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

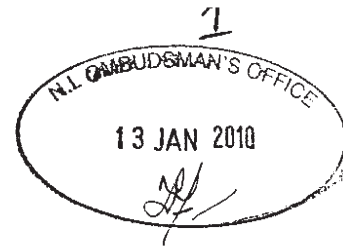
ANNEX D

DOCUMENTS

Doc No	Description
1	Letter Gill:Frawley 12 January 2010
2	Transcript of Spotlight Programme 7 January 2010
3	Report by Dr Harbinson 12 January 2013
4	Letter Gill:Bain 10 June 2013
5	Transcript of texts Iris Robinson:Selwyn Black
6	Kirk McCambley – note of meeting 4 October 2011
7	Peter Robinson – note of meeting 21 May 2013
8	Ken Campbell – note of meeting 14 January 2013
9	Letter Bain:McBurney 8 October 2013
10	Letter Iris Robinson: Planning Service 3 July 2008
11	Dr Kevin Pelan – statement 5 September 2013
12	Paul Gill – note of meeting 7 February 2013
13	Iris Robinson – Members’ Interests Registration Form 9 November 2009
14	Iris Robinson – Members’ Interests Registration Form 17 September 2001
15	Selwyn Black – note of meeting 22 September
16	Selwyn Black – statement of clarification 20 December 2011
17	Selwyn Black – rejected revisions to note of meeting 22 September 2011.

ASSEMBLY CONFIDENTIAL
(until published by order of the Committee on Standards and Privileges)

- 18 Seamus Magee – note of meeting 6 December 2012
- 19 Note of meeting Frawley:McComb 25 May 2011
- 20 BBC report 11 March 2011
- 21 Letter McBurney:Bain 28 October 2013
- 22 Letter Gill:Bain 19 September 2013
- 23 Letter McBurney:Bain 13 February 2014



COMMITTEE ON STANDARDS AND PRIVILEGES

Room 284
Parliament Buildings
Stormont
Belfast
BT4 3XX

Tel: 028 9052 0333
Mob: 077 3312 8131
Email: paul.gill@niassembly.gov.uk

Mr Tom Frawley
Interim Assembly Commissioner for Standards
The Ombudsman's Office
Progressive House
33 Wellington Place
BELFAST
BT1 6HN

12 January 2010

Dear Mr Frawley,

I refer to you under the Assembly's Standing Order 69A(1)(b) a matter relating to the conduct of members, and ask you to carry out an investigation and report thereon to the Committee.

At its meeting on 11 January 2010 the Committee on Standards and Privileges considered how it should deal with the issues raised in the BBC's recent Spotlight programme in relation to the alleged conduct of Mrs Iris Robinson MLA and Mr Peter Robinson MLA. The Committee agreed that I should ask you to carry out a thorough investigation into the conduct of Mrs Iris Robinson MLA and into the conduct of Mr Peter Robinson MLA in order to enable the Committee to determine whether or not any breaches of the Assembly's Code of Conduct and Guide to the Rules Relating to the Conduct of Members have occurred. I am writing today to Mrs Robinson and to Mr Robinson to inform them of the Committee's decision.

You should be aware that Mr Robinson wrote to the Committee requesting that an inquiry be commenced into the questions which have been raised. A copy of Mr Robinson's correspondence is enclosed for information.

The Committee also received correspondence from Ms Carál Ní Chuilín MLA which I have also enclosed for information. The Committee agreed that I

should respond to Ms Ní Chuilín's correspondence, informing her that the Committee has asked you to carry out an investigation.

Yours sincerely,

Paul Gill
Clerk to the Committee on Standards and Privileges

2

Transcript of Spotlight Programme 7 January 2010

Document redacted by Committee.

3

Report by Dr Harbinson – 12 January 2013

Document redacted by Committee.



4

COMMITTEE ON STANDARDS AND PRIVILEGES

Room 254
Parliament Buildings
Stormont
Belfast
BT4 3XX

Tel: 028 9052 0333
Email: paul.gill@niassembly.gov.uk

10th June 2013

Mr Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards
Room 283
Parliament Buildings
Stormont
Belfast
BT4 3XX

Dear Mr Bain

I write to confirm that at its meeting on 5th June 2013, the Committee on Standards and Privileges gave further consideration to your correspondence re: Guidance as to the Scope of the Code of Conduct in relation to Criminal conduct.

The Committee agreed with your recommendation that -

1. the criminal conduct of a member, other than when discharging his or her duties as a Member, cannot constitute a breach of the current Code; and
2. irrespective of any guidance that the Committee feels able to provide, that this issue be considered further during the proposed revision exercise.

Yours sincerely

Paul Gill
Clerk of Standards

Location	Inbox
Number	
Time	2008-10-05 22:14:08 (UTC)
***** ***** ***** *****	

Location	Inbox
Number	
Time	2008-10-15 11:34:14 (UTC)
***** ***** ***** ***** ***** ***** ***** *****	

Location	Inbox
Number	
Time	2008-11-18 14:39:12 (UTC)
***** ***** ***** ***** ***** ***** ***** *****	

Location	
Number	
Time	2008-11-22 20:12:01 (UTC)

Selwyn *****
 ***** . It seems cruel but I am not going to
 soften until he pays back the 45k and he has got till Christmas. *****

 ***** . Iris xxx

Location	Inbox
Number	
Time	2008-12-15 13:43:11 (UTC)
***** ***** ***** . ***** *****	

Location	Inbox
Number	
Time	
Excellent	

Location	Inbox
Number	
Time	2008-12-16 14:19:34 (UTC)
***** ***** ***** *****	

Location	Inbox
Number	
Time	2008-12-18 11:56:25 (UTC)
***** ***** *****	

Location	Inbox
Number	
Time	

Location	Inbox
Number	
Time	

Location	Inbox
Number	
Time	2008-12-22 21:46:47 (UTC)
Oh by way. Cheque made out to Light n Life Free Methodist Church (Dundonald). Iris xx	

Location	Inbox
Number	
Time	2008-12-24 16:29:26 (UTC)
I need the cheque made out not in the name of the Church but to my name. ***** *****. Iris.	

Location	Inbox
Number	
Time	2008-12-24 16:35:01 (UTC)
Selwyn Kirk needs to know this is now clearing my debts run up in helping him. The second one will be for 25k for the church. This will need to be made clear.	

Location	Inbox
Number	
Time	2008-12-27 12:58:03 (UTC)
Good day Selwyn. ***** *****. If and when u hear from Kirk for the first payment before u do anything will u text me and I will give u my Bank Managers name and mobile no incase he wants the cheque directed to him as he is my personal advisor. ***** ***** ***** ***** ***** ***** ***** I	

Location	Inbox
Number	
Time	2008-12-28 11:52:07 (UTC)
***** ***** ***** *****	

 ***** Selwyn

31st December 2008 at 14.12 to Pat Herron from Selwyn Black. Things a bit up in the air from solicitors. Not kirk's fault. They will be straightforward but andy's father's solicitor has'nt appreciated the urgency. He's dragging his heels (the solicitor) on simply clearing the contract from his desk kirk has gone back to his own to try to clear funds from his business account for later today. Will keep you posted.S

Location	Inbox
Number	
Time	2009-01-01 12:28:03 (UTC)
Selwyn***** ***** he will not conform to my deadline. ***** ***** . I can't c why it should all go into my account it was originally for the Church. *****	

Location	Inbox
Number	
Time	2009-01-01 12:56:30 (UTC)
Dear Selwyn***** This just to allay any concerns was money given to me and the promise of paying back one of them. The other didn't have the same condition placed on it. When given to K he wept and wanted to share 50 – 50. I said no. I wanted nothing. ***** ***** . I agreed the one third of profit each month to go to church as a gesture of giving something back. ***** ***** . I will be paying back all the monies to contributor A. Contributor B is now deceased and was not to be paid back. I had intended to release 1k per month to Chu	

Location	Inbox
Number	

Time	2009-01-01 13:08:40 (UTC)
Church for 20 months as well as using it to clear the massive debt incurred by me over past year. I would not ***** or be dishonest with money. I don't even claim monies I am due through expenses which I know can be inflated by many who r elected. I don't do it. Please remember everything I did at beginning was done in the spirit of compassion. ***** ***** ***** *****. If u feel all should go to my account then I will take ur wise advice. I can then do as I have already indicated. Ur job isn't on the line. ***** *****	

Location	Inbox
Number	
Time	2009-01-06 18:24:18 (UTC)
Hi Selwyn just touching base for any update. Just wanting to clarify if Kirk now knows the monies r going back to the rightful sponsors and the church is not bebefiting at all as Pastor didn't want me left with debt of paying off this bill for 8 years. When I get my own accumulated debt cleared dv I will make contribution to Church. Ironic isn't it. Kirk failed to pay a third each month or quarter or annually despite not having to pay back 45k to Church. Now he has freely entered a partnership with	

Andrew who will get 50 pc. Leaving me to pay the sponsors if I hadn't decided along with Peter to make a clean break and give the monies to them instead of Church. ***** ***** ***** ***** ..iris x	
---	--

Location	Inbox
Number	
Time	2009-01-14 00:32:59 (UTC)
Selwyn based on discussion Peter has decided not to be involved in handing over item. Just have solicitors send direct to K C please. ***** ***** ***** Iris x	

Location	Inbox
Number	
Time	2009-01-14 22:09:34 (UTC)
Mum the council agreed tonight to kirk mccambleys request re. Lock keepers cottage to have his business partner named on the lease. ***** ***** G. x	

Location	Inbox
Number	
Time	2009-01-14 22:11:25 (UTC)
Selwyn just sent u copy of text from Gareth. Will u sendvto Kirk for his confirmation of councils decision. Andrew needs 2v follow up on councils requirements. God bless. Iris x	

Location	Inbox
Number	
Time	2009-01-29 09:37:44 (UTC)
Goodmorning Selwyn. R u free after 230pm or later even in day. Did article reach BT ***** ***** Lastly is there closure yet with these Solicitors ? Hear from u. God bless. Iris x	

Location	Inbox
Number	
Time	2009-03-07 19:23:10 (UTC)
***** ***** ***** *****	

Location	Inbox
Number	
Time	

Location	Inbox
Number	
Time	2009-03-12 14:07:27 (UTC)
***** Confirmed the Campbells rec 20k but have written to Orr solicitors for other 5k apparently. I assume 20k went to other sponsor. I hope everything thanks to u will b sorted asap re the 10k. ***** ***** ***** Iris x	

PROTECT - INVESTIGATION

6

NOTE OF MEETING WITH KIRK McCAMBLEY ON 4 OCTOBER 2011

**Present: Mr Tom Frawley, Interim Commissioner for Standards
Mr Kirk McCambley, Witness
Mrs Gillian Coey, Investigating Officer (Notetaker)**

1. Mr Frawley opened the meeting at 10.50am by outlining his role as Interim Commissioner for Standards. He explained that in 2002, he had been asked by the then Speaker of the Assembly, Lord Alderdice, to act as Interim Commissioner pending a decision on the formal appointment by the Assembly of a Commissioner for Standards. Mr Frawley advised that the post of Commissioner for Standards had been advertised recently, and that it was anticipated that any successful appointee from that competition would be in post by January 2012. Mr Frawley advised that it was possible that if he was unable to complete his enquiries by the time the new Commissioner took up his/her appointment, then the new Commissioner may assume responsibility for concluding the investigation.
2. Mr Frawley explained that it is his role, as Interim Commissioner, to investigate matters referred to him by the Northern Ireland Assembly Committee on Standards and Privileges. He also explained that having conducted an investigation, he submits a report to the Committee, which includes his view on whether or not there has been a breach of the Assembly's Code of Conduct. It is then for the Committee to decide whether to accept or to reject his conclusion, or to ask him to make further enquiries; it is also for the Committee to decide on any sanctions that may be appropriate to the circumstances of a particular complaint if it is found that there has been a breach of the Code of Conduct.
3. Mr Frawley provided Mr McCambley with documents that outlined the terms of reference of his investigation and described the process he would be following in undertaking his investigation. He also explained how the Committee would consider his report. Mr Frawley also provided copies of relevant Assembly Standing Orders (Standing Orders 57, 69, 69A, 69B and 69C) and a copy of the

PROTECT - INVESTIGATION

1

PROTECT - INVESTIGATION

Assembly's Code of Conduct and the Guide to the Rules Relating to the Conduct of Members. (Copies of the documents provided to Mr McCambley are at Annex A.)

4. Mr Frawley went on to advise Mr McCambley about how his investigation had progressed to date. He explained that he had not yet spoken to Mrs Iris Robinson as her legal advisor had advised that she was not currently well enough to participate in an interview relating to the matters that were being examined, but that he had already spoken to Dr Selwyn Black. Mr Frawley also advised that he intended to speak to Mr Ken Campbell and to the representatives of Mr Fred Fraser's estate, and that he may also wish to speak to Mr Peter Robinson at a later stage of his investigation since Mr Robinson's conduct was also part of the matter that been referred to him by the Committee.

5. Mr Frawley informed Mr McCambley that he had received the cooperation of the BBC, in that he had been provided with copies of the interviews that Mr McCambley and Dr Black had given in relation to the Spotlight programme, and he had also been given copies of relevant documentation that the BBC had obtained in the course of making the programme. Mr Frawley explained that he had also seen the report of the investigation into the circumstances that affected the awarding of the Lock Keeper's Inn lease, which had been commissioned by Castlereagh Borough Council, and that he would be making further enquiries of the Council about some related matters.

6. Before putting specific questions to Mr McCambley, Mr Frawley advised him that he would have an opportunity to see and comment on the note of the meeting that was being made by Mrs Coey and that his agreement would then be sought as to whether it accurately reflected the matters that had been discussed.

7. Mr Frawley asked Mr McCambley about his ambitions to set up a business. Mr McCambley replied that he had run the family business since the age of thirteen and that he had later run other businesses and had worked in various cafés and restaurants. He said that he had always planned to set up a business,

PROTECT - INVESTIGATION

2

PROTECT - INVESTIGATION

either alone or with a business partner, but that he did not have any specific ideas at that early stage as to what that business would be.

8. Mr Frawley asked Mr McCambley if it had ever been his intention to establish a business in partnership with Andrew Adair. Mr McCambley explained that Mr Adair had been his best friend and had lived with him since they were 17 or 18 years old. He said that it had been their intention to set up a business "as a team".
9. Mr Frawley asked if Mr McCambley had ever made any enquiries about ways to finance a business. Mr McCambley said that it had always been his plan to seek finance from a bank. He explained that there had been no surplus money from the sale of his father's business.
10. In response to Mr Frawley's enquiry about the business course that he had attended, Mr McCambley advised that this had been a 'start-up' business programme run by East Belfast Enterprise. He explained that he and Mr Adair had attended the course in 2008. Mr McCambley also explained that Mr Adair had had no previous experience in setting up or running a business.
11. Mr Frawley asked Mr McCambley when he had first become aware of the business opportunity at the Lock Keeper's Cottage. Mr McCambley said that this had been in April or May 2008. He added that he had seen the advertisement for the premises in the Belfast Telegraph and that at the time he had seen the building himself. Mr McCambley said that Mrs Robinson had also brought the business opportunity to his attention. She had taken him to see the premises and he had "fallen in love with it". Mr McCambley told Mr Frawley that he had taken his business plan to Barclays Bank and Bank of Ireland in order to seek finance but both banks had rejected his request for assistance.
12. Mr Frawley asked Mr McCambley if Mrs Robinson had provided any support to him with regard to the securing of the business opportunity or its development. Mr McCambley replied that Mrs Robinson too had seen the potential in the business. He advised that he had contacted Castlereagh Borough Council to

PROTECT - INVESTIGATION

3

PROTECT - INVESTIGATION

arrange to view the premises. He and Mrs Robinson had both been shown around the inside of the property by the Council's Economic Development Manager. Mr McCambley said that the Economic Development Manager had been aware that he (Mr McCambley) knew Mrs Robinson as a family friend. Mr McCambley advised that he (without Mrs Robinson) had viewed the property, on a second, and possibly a third, occasion, before submitting the business plan. In addition, he and Andrew Adair had spent significant time over a two week period conducting opinion/marketing surveys and talking to people who were walking the tow path outside the premises. Mr McCambley explained that he had viewed the property again after he had submitted the business plan.

13. Mr McCambley told Mr Frawley that there had been a period of only one month between his becoming aware of the business opportunity and the closing date for the submission of business plans to the Council. He said that he had left his job to work on the business plan full time and that he had also approached a number of banks to enquire about financing at the same time. Mr McCambley explained that he had submitted an expression of interest first and had then submitted the business plan later on.
14. Mr Frawley asked Mr McCambley to describe any discussions he and Mrs Robinson had about the business opportunity. Mr McCambley stated that Mrs Robinson had offered "passing ideas" but that she did not have a detailed input into the plans for the business.
15. Mr Frawley asked if Mr Adair had had any involvement in discussions about the business. Mr McCambley confirmed that Mr Adair had been involved. He advised that he and Mr Adair had agreed that they would proceed on the basis that only Mr McCambley's name would be included on the lease initially (as they did not want to complicate matters by having two business partners involved) but that Mr Adair's name would be added once the business was up and running. Mr McCambley went on to explain that he and Mr Adair were no longer friends and that Mr Adair's name had still not been added to the business lease.

PROTECT - INVESTIGATION

16. Mr Frawley asked Mr McCambley if Mrs Robinson had provided any advice to him about the potential profitability of the business. Mr McCambley told Mr Frawley that Mrs Robinson had provided no such advice to him.
17. In response to Mr Frawley's enquiry about how he had satisfied himself that the Lock Keeper's Inn was a viable business opportunity, Mr McCambley said that he had been aware that there were no similar businesses in the immediate area. He explained that he and Mr Adair had also researched the 'local market' and 'footfall' on the nearby tow path. Mr McCambley said that they had not known for certain whether the business would be successful and that they had "taken a gamble" on it.
18. Mr Frawley asked Mr McCambley when he had decided to try to secure the lease for the Lock Keeper's Inn. Mr McCambley replied that it had all happened very quickly. He explained that there had been only a two week period in which to prepare and submit the business plan. He had approached the banks (Barclays and Bank of Ireland) for finance during that period and although those approaches had been unsuccessful, he still believed that the business could be a success. He had therefore pursued the securing of the lease, despite his family having advised him that it was too risky.
19. Mr Frawley asked Mr McCambley if he had seen the advertisement about the business opportunity that had been placed in the Belfast Telegraph in June 2008. Mr McCambley confirmed that he had seen the advertisement.
20. Mr Frawley asked Mr McCambley who had requested the information pack relating to the premises from the Council. Mr McCambley said he could not recall who had requested it. He said he was not sure if the pack had been requested by Mrs Robinson.
21. Mr Frawley asked Mr McCambley to tell him about how and when Mrs Robinson had become involved in arranging finance for the Lock Keeper's Inn business. Mr McCambley responded that it had never been his intention to go to Mrs Robinson for finance. He explained that when he had told Mrs Robinson

PROTECT - INVESTIGATION

5

PROTECT - INVESTIGATION

that the banks had refused to provide funding to him, she had offered to help. He added that he had not asked about where the money would come from; he had just been glad that Mrs Robinson was going "to enable him to do something good with [his] life". Mr McCambley said that with the benefit of hindsight, he now thinks differently about this and the £5000 that Mrs Robinson had asked him for.

22. Mr Frawley asked Mr McCambley if he and Mrs Robinson discussed and/or agreed that £50,000 was the sum that would be required to establish the business. Mr McCambley told Mr Frawley that he had asked the banks for £35,000 or £40,000; Mrs Robinson had offered to obtain the sum of £50,000.
23. Mr Frawley asked Mr McCambley how the money had been provided to him. Mr McCambley advised that Mrs Robinson had given him one cheque, which had been signed by Fred Fraser. Mr McCambley said that although he had heard of Fraser Homes he did not make any connection between that company and the person who had signed the cheque. Mr McCambley confirmed that he had later received another cheque that had been signed by Ken Campbell. Mr McCambley stated that both cheques had been made payable to him and each had been for £25,000.
24. Mr Frawley asked if Mr McCambley had ever met Mr Fraser, or any of his representatives. Mr McCambley confirmed that he had not done so.
25. Mr Frawley asked if Mr McCambley had ever met Mr Campbell, or any of his representatives. Mr McCambley confirmed that he had never met Mr Campbell but that he had met Mr Campbell's wife and daughter at Forestside Shopping Centre. He went on to explain that this had occurred while Mrs Robinson had been in USA. He had been awarded the business lease by then and had been waiting for the second cheque to arrive as he needed money to fit out the premises. Mr McCambley said Mrs Robinson had given him a phone number to contact in order to arrange a meeting. He had phoned the number and had agreed a time and place to meet. He had then met with Mrs Campbell and her daughter at Forestside. They had introduced themselves, had quickly given him

PROTECT - INVESTIGATION

6

PROTECT - INVESTIGATION

the cheque in an envelope and had then left. Mr McCambley added that Mrs Campbell had not mentioned anything about repayment of the money.

26. Mr Frawley asked Mr McCambley what had been his understanding of the basis on which the money had been given to him. Mr McCambley replied that there had been "talk" of it being a gift, but he had always regarded it as business loan and had planned to repay it. He added that he had planned to wait until three months after the business had opened; to establish if any further equipment was required; and to then start paying the money back. Mr McCambley said he never regarded the money as "free money" that he had been given.
27. Mr Frawley reminded Mr McCambley that in the Spotlight programme, he had talked about having given some money to Mrs Robinson. Mr McCambley confirmed that he had given Mrs Robinson £5,000 in cash. He also said that Mrs Robinson had told him the money was needed to "straighten out" her own financial situation. Mr McCambley said that he had known about this arrangement from the outset, that is, that he would receive two cheques for a total amount of £50,000 but that he would have only £45,000 of that money for the business. He stated that he had been clear that Mrs Robinson was expecting the payment (of £5,000) to her to come from the money that she was arranging to obtain for the business.
28. Mr McCambley said he could not recall the date he had given the £5,000 to Mrs Robinson but that it had been after he had lodged the first cheque (that which had been received from Mr Fraser) in his bank account. He explained that it had taken five days for Mr Fraser's cheque to clear through his account, although Mrs Robinson had expected it to clear more quickly. Mr McCambley said that Mrs Robinson had telephoned him to arrange to pick up the money. He described how she had pulled up in her car at the front of his house and he had given her the money. Mr McCambley said that it had been his recollection that he had made a single withdrawal of £5,000 from the account in order to make this payment to Mrs Robinson but that the PSNI investigation had found that no withdrawals of a specific sum of £5,000 had been made; there had been only withdrawals for larger amounts. Mr McCambley said the money paid to Mrs Robinson must therefore have come from one of those larger withdrawals.

PROTECT - INVESTIGATION

7

PROTECT - INVESTIGATION

Mr McCambley advised Mr Frawley that Mrs Robinson had later told him that when he had given her the money, she had gone to see her bank manager (at the First Trust Bank).

29. Mr Frawley asked Mr McCambley about how he had felt about giving the £5,000 to Mrs Robinson. Mr McCambley said he had no misgivings about giving Mrs Robinson the money as he had always known that it would be the sum of £45,000 (and not £50,000) that he would be getting for the business.
30. Mr Frawley asked Mr McCambley what he had done with the £45,000 that he had retained. Mr McCambley advised that he had used it to buy kitchen equipment etc, and to pay for decorating and joinery work.
31. Mr Frawley asked Mr McCambley if he had received any funding for the business from other sources. Mr McCambley confirmed that he had not received any other money but that he had secured credit facilities from a number of his suppliers. All equipment, furniture and fittings etc and joinery work at the premises had been paid for with cash from the money he had received. Mr McCambley went on to describe how there had been some uncertainty about whether the Council or the lease holder would be responsible for providing the kitchen equipment. He said that the Council had been pressing for the business to open on 13 September 2008 (to coincide with its planned Heritage Weekend), which had meant that they (he and Mr Adair) had had to rush to "get everything sorted out". He said that due to those time constraints, they had had to source kitchen equipment through the Council's preferred supplier, DMC. Mr McCambley said that Mrs Robinson had called "a good few times" to see how preparations for the opening of the business were progressing but that she had no input to choosing any of the furnishings. He told Mr Frawley that Mrs Robinson had not incurred any costs in the setting up of the business.
32. Mr Frawley referred to Mr McCambley having presented his business plan to the Council in early July 2008. He asked Mr McCambley if he had prepared the business plan on his own. Mr McCambley said that he and Mr Adair had prepared the plan together. He also said that they received assistance with the

PROTECT - INVESTIGATION

8

PROTECT - INVESTIGATION

financial forecasts from a Business Advisor at East Belfast Enterprise, and that he had also asked his sister to review the business plan. Mr McCambley told Mr Frawley that Mrs Robinson had no input at all to the plan. He said that it was his recollection that Mrs Robinson did not see the business plan until after it had been submitted to the Council.

33. Mr McCambley described how he had met with the Council's assessment panel. They had discussed his business plan. Mr McCambley said the panel had asked him if he had the finance for the business. He said that he had told the panel that he had £45,000, but that they had not enquired about where that money had come from.
34. Mr Frawley asked Mr McCambley if he and Mrs Robinson had gone to a café in Killyleagh to look at ideas for décor and furnishings at the Lock Keeper's Inn. Mr McCambley confirmed that he and Mrs Robinson had gone to a coffee shop in Killyleagh but that it had been solely for the purpose of having coffee; he did not recall having gone there to look for ideas for the Lock Keeper's Inn. He added that he recalled talking to Mrs Robinson about obtaining pottery for the business from a local supplier. Although Mrs Robinsons had said that she would take him to see the pottery, they had never done so.
35. Mr Frawley spoke to Mr McCambley about the name he had given to the business. He asked about Mrs Robinson's suggestion for a name. Mr McCambley confirmed that Mrs Robinson had suggested a name. He was unable to recall that name exactly (remembering only some connection to "pottery") until Mr Frawley advised him that Mrs Robinson's suggestion had been "The Potter's Wheel". When Mr Frawley pointed out that there was a biblical connotation to the name, Mr McCambley said he had been unaware of any such association. He explained that he and Mr Adair had wanted to call the business "The Lock Keeper's Inn". He said that this had been the logical choice, given that the business was located beside the Lock Keeper's Cottage.
- 36.

PROTECT - INVESTIGATION

37.

38. Mr Frawley reminded Mr McCambley that he had stated in the interview he gave in relation to the Spotlight programme that he had agreed to give some of the profits from the Lock Keeper's Inn business to Mrs Robinson's church (The Light and Life Free Methodist Church, Dundonald). Mr Frawley asked Mr McCambley about that arrangement. Mr McCambley spoke of how Mrs Robinson had told him that she wanted some of the profits from the business to given to the church. Mr McCambley said that Mrs Robinson had told him this after the business had opened and that there had been no mention of it previously. Mr McCambley said he had felt that he had no choice but to agree to this proposal but that his agreement had been given on the basis that money would be paid to the church at some point in the future and not at the time when the business was only beginning to establish itself. He went on to say that Mrs Robinson had then started to put pressure on him to give money to the church. He commented that had he done so, it would have had a significant impact on the business as it had been extremely difficult in those early days to manage cash flow. Mr McCambley said that because Mrs Robinson could see a "queue out the door" at that time, she believed that the business was making a substantial profit.

PROTECT - INVESTIGATION

10

PROTECT - INVESTIGATION

39. Mr Frawley asked Mr McCambley if the arrangement about giving money to the church had been a verbal one or had been made in writing. Mr McCambley said that he recalled Mrs Robinson having given him a letter but that he was unable to recall whether it had referred to giving money to the church or had concerned the repayment of the money from Mr Fraser and Mr Campbell.
40. Mr Frawley asked Mr McCambley when he had first been asked to repay the money he had received from Mr Fraser and Mr Campbell. Mr McCambley told Mr Frawley about the circumstances that had led to a change in his relationship with Mrs Robinson, and how this had in turn led to her asking for the money to be repaid.
41. Mr Frawley enquired about who had asked for the money to be repaid and how much was to be repaid. Mr McCambley replied that Mrs Robinson herself had asked for the repayment of the money. He said that initially, Mrs Robinson had asked for all the money to go to the church. Later on, she had wanted £25,000 to be paid to Mr Campbell and £20,000 to be paid to the church. Mr McCambley said that the payment of £20,000 that was to go to the church related to the money that had been received from Mr Fraser, which had been given as a gift to Mrs Robinson.
42. Mr Frawley asked Mr McCambley how Mrs Robinson had requested the repayment of the money. Mr McCambley said she had asked for the money in a number of ways – in person, by text message, by telephone and in writing.
43. Mr Frawley asked Mr McCambley how he had intended to raise the money that was to be repaid. McCambley said that he had again approached Barclays Bank but they had refused to lend him the money he needed. (He explained that he had had an account with Bank of Ireland until just before the business had opened but had then switched to Barclays at that time). It had then been

PROTECT - INVESTIGATION

11

PROTECT - INVESTIGATION

47. Mr Frawley told Mr McCambley that he had obtained a copy of a letter, signed by Mr Beattie, which confirmed that £40,000 had been repaid to Mr Campbell and to Mr Fraser's estate (a copy of the letter is attached at Annex B). Mr Frawley showed a copy of the letter to Mr McCambley and asked him if he recalled having seen it previously. Mr McCambley said he did not recall the letter although he said he did recollect having met Dr Black just prior to Christmas 2008 and having given Dr Black a letter at that time. He was uncertain, however, if the letter that he had given to Dr Black in December 2008 was the same letter that Mr Frawley had shown him.
48. Mr Frawley advised Mr McCambley that he wished to seek further information and documentation from Mr Beattie, regarding the transactions that were referred to in his letter. Mr Frawley explained that it was likely that Mr Beattie would require Mr McCambley's consent for the release of such information and documentation. He therefore asked Mr McCambley to sign a declaration to confirm that he agreed to the release of information to Mr Frawley. Mr McCambley signed the declaration. He stated that he did not require a copy of the signed form. (A copy of the declaration that was signed by Mr McCambley at the meeting is attached at Annex C.)
49. Mr McCambley told Mr Frawley that in the six months following the repayment of the £40,000 to Mr Campbell and to Mr Fraser's estate, Dr Black telephoned him "one or two times" about the balance of the money that had not yet been repaid. Mr McCambley said that the repayment of this money was not, however, followed up and he did not ever repay it.
50. Mr Frawley asked Mr McCambley if he was aware of Mr Robinson having any knowledge of Mrs Robinson's involvement in the identification of, or setting up of, the Lock Keeper's Inn business, or of the money that had been provided by Mr Fraser and Mr Campbell for the business. Mr McCambley described how Mrs Robinson had told him, some time around October 2008, that Mr Robinson knew about these matters and was not happy about them. She had, however, later said that Mr Robinson did not know about them. Mr McCambley said he was unsure if Mrs Robinson had told him that Mr Robinson was aware of the

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

business and the money just to get some reaction from him. Mr McCambley also said that Mrs Robinson had threatened, in November or December 2008, that , would check all documentation relating to the award of the lease and that if he uncovered any flaw in that process, he would ensure that the lease was withdrawn from Mr McCambley. Mr McCambley went on to say that it was his belief that Mr Robinson did not have any knowledge of the Lock Keeper's Inn, or of the money, at the time the business had been set up but that Mr Robinson did know about the business, and the associated financial arrangement, at the time of the repayment of the money. Mr McCambley told Mr Frawley that it was his understanding that Mr Robinson also knew at that time about £5,000 that he (Mr McCambley) had given to Mrs Robinson.

51. Mr McCambley told Mr Frawley that he had heard Mr Robinson speaking in the background during telephone conversations he had with Mrs Robinson about the repayment of the money. He stated that, in his view, Mr Robinson had input to the decision to have the money repaid to Mr Campbell and to Mr Fraser's estate.
52. Mr Frawley asked Mr McCambley if he had any documentation or other information that may be relevant to his investigation. Mr McCambley advised that he had taken very few of his belongings with him when he had left Northern Ireland; many of his belongings had been lost or thrown away. Mr McCambley advised that he had given documentation to the PSNI in relation to its investigation, and he indicated that he was content for Mr Frawley to request that documentation from the PSNI. Mr Frawley explained that it would also be helpful for him to obtain a copy of the statement that Mr McCambley had given to the PSNI. He asked Mr McCambley to sign a declaration to confirm his consent to the release of the statement and other related information. Mr McCambley advised Mr Frawley that he had requested a copy of his statement from the PSNI but had not yet received it. He said that he would sign the consent form and return it to Mr Frawley after he had had an opportunity to review the statement.

PROTECT - INVESTIGATION

14

PROTECT - INVESTIGATION

53. Mr Frawley concluded the meeting by thanking Mr McCambley for responding to his enquiries. The meeting ended at 1.15pm.

I agree that this note is a true and accurate account of my discussions with the Interim Commissioner for Standards, Mr Tom Frawley, on 4 October 2011, and that the information I conveyed to the Interim Commissioner on that date is true to the best of my knowledge and belief. I am aware that this information may be used in any proceedings by the Assembly.

Signed: _____

Kirk McCambley

Date: 21/11/11 _____

PROTECT - INVESTIGATION

15

7

PROTECT - INVESTIGATION



Northern Ireland
Assembly

**INVESTIGATION – BBC SPOTLIGHT PROGRAMME ON
7 JANUARY 2010**

Meeting with Mr Peter Robinson MLA

21 May 2013 - Room 2, Parliament Buildings

Start: 10.30 hrs End: 11.00 hrs

Present: Peter Robinson MLA/ First Minister
Douglas Bain, Commissioner for Standards
Sheila McCaughley (Note taker)

1. Mr Bain introduced the meeting by asking Mr Robinson if he had read his letter of 15 May 2013 and sought confirmation that he understood the Commissioner for Standards' powers under section 28 of the Assembly Members' (Independent Financial Review and Standards) Act (Northern Ireland) 2011, the offence provisions and the duty not to disclose information.
2. Mr Robinson said that he had been aware of Mr Bain's powers previously but was more aware of them after having read the letter. Mr Robinson confirmed that he understood the procedure to be followed at this meeting and for the completion of the investigation.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

3. Mr Bain asked Mr Robinson the nature of the relationship between his wife and the late Mr Fred Fraser and Mr Ken Campbell.
4. Mr Robinson said that Mr Fraser and Mr Campbell were both good friends. He had met the late Mr Fraser through a mutual friend. Along with his wife, Mr Fraser and his wife and the mutual friend and his wife, he had started to go out as a party of six for dinner and other events. Mr Robinson added that he and his wife would occasionally travel to the third party's bungalow in Portrush and stay for the week-end. He said that Mr Campbell, again, had been introduced to them via a third party and that after Mr Fraser's death, he still met up with Mr Campbell for dinner or lunch, at least every 3-4 weeks.
5. Mr Bain asked Mr Robinson in what circumstances he became aware of the payments made by Mr Fraser and Mr Campbell.
6. Mr Robinson said that he remembered that they had been on holiday at the time and that he had heard his wife talking on her mobile. He took an interest in the conversation because he thought that his wife was in contact with the children. He overheard a conversation which referred to some repayment of amounts to Mr Fraser and Mr Campbell. When the telephone conversation ended Mr Robinson asked his wife about it. This conversation took place, as far as he could remember, in December 2008 when he was in Florida.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

7. Mr Bain asked Mr Robinson what he had learned following the conversation with his wife about the nature of these payments.
8. Mr Robinson said that a young man, who was in the Church that his wife attended, had been seeking to start a business. He was the son of someone she knew who had died of cancer. His wife had helped out in obtaining housing. She wanted to give him a start in life and to help him set up a business. She sought to get some help and support through Mr Fraser and Mr Campbell. Mr Robinson said that he had been unhappy about the fact that they both had been approached as they were good friends of his and he hadn't been informed about it. He was also angry with both them and his wife for not mentioning it to him. Mr Robinson further added that his wife was trying to arrange for the repayment of the loan to Mr Campbell and for the wishes of the late Mr Fraser to be carried out in terms of how the repayment would be dealt with. Mr Robinson had indicated to his wife that it would be better if these issues were dealt with through respective lawyers so that there was evidence of repayment and that it was unnecessary for her to interpose herself into these circumstances. Mr Robinson said that his wife had indicated to him that she would follow the line he had advised.
9. Mr Bain asked Mr Robinson, although understandably annoyed that he was not aware that this was taking place at the time, was he nonetheless concerned that his wife, as an elected representative, was receiving or was involved in payments from two property developers and how this might be perceived.
10. Mr Robinson said that from all accounts she was simply asking on behalf of someone and that it wasn't a matter of her actually receiving the funds herself. He added that contrary to what was indicated in the Spotlight programme, his wife had passed on a cheque which was made out to

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

16. Mr Robinson responded by stating that an elected representative always has to consider whether it is appropriate to do so. He said that if his wife had sought advice from him at the time, which he added she didn't, he would have told her that there were two tests. First, it would have to be a gift from which you would benefit personally, and, he added she did not and, second, it would have to be related to your duties as an MP, Assembly Member or, in this case, as a councillor or to your general political activities. He added that in this case, this did not apply either. Mr Robinson said that if he had been looking at this issue and judging it for her, he would have judged that it was not a registrable interest.
17. Mr Bain informed Mr Robinson that what he was saying was in fact ignoring some of the provisions of the Rules in respect of conduct and, in fact, there was a provision, Category 10, to the effect that even if a payment doesn't fall under any of the categories you nonetheless have a duty to declare it.
18. Mr Robinson said that a payment was not made to her.
19. Mr Bain put it to Mr Robinson that this provision would also cover a payment in which his wife was involved and did he not think that there would be a duty to declare anything that the public might perceive as having a bearing on how Members conduct their Assembly duties even if, in fact, it wouldn't.
20. Mr Robinson said that he was not sure how far you could stretch this statement and added that he would have thought that when it doesn't relate to your Assembly duties and it isn't a gift to use personally, then there is no need to register it.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

21. Mr Bain pointed out to Mr Robinson that one of the allegations made in the Spotlight programme was that he should have disclosed the payments to his wife once he had become aware of them and asked Mr Robinson for his reaction on this.
22. Mr Robinson said that he did not consider them to be registrable interests, either for his wife, or for himself and added that in subsequent discussions that he had had with his own legal adviser and with the consideration that was given by DSO and by Paul Maguire, none of them had considered it to be something that was a registrable interest for him.
23. Mr Bain asked Mr Robinson whether he had believed that, if his wife had received a gift which she had failed to register, he had a duty to register it as a gift to his partner.
24. Mr Robinson said that this was an issue which had been considered by the QC who had looked at the issues. Mr Robinson said that there is a requirement if your partner was in receipt of a gift of that kind if it related to your Assembly duties. He added that if he became aware of such a gift he would have advised his wife to register it so that it would be public knowledge. He added that there is a view that the purpose of the reference to 'partner' in Category 5 was to stop any back-door attempt to avoid having to register a gift by making it to the Member's partner rather than to the Member. However, in this case he thought that this did not apply. He would have advised his wife to register a gift if it had been given to her to avoid him having to register it.
25. Mr Bain asked Mr Robinson to his knowledge whether his wife had sought advice from the Clerk of Standards on this matter.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

26. Mr Robinson said that he had no knowledge of this but that he did not believe that she had sought advice. He said that he thought that his wife had regarded the payments by the developers as being something that had occurred within her Church in her attempt to help somebody to set themselves up in business. He added that she had not seen it in any context as part of her public profile and was simply trying to help the son of a friend to set up in life.
27. Mr Bain then raised the £5,000 to Mr Robinson that was allegedly paid by Mr McCambley to his wife. He asked Mr Robinson in what circumstances he first became aware of this payment.
28. Mr Robinson said that he first became aware of this when he was sitting watching the Spotlight programme.
29. Mr Bain further enquired if he, either then or subsequently, become aware that the origin of that £5,000 was from the late Mr Fraser.
30. Mr Robinson said that all he knew was what was being said in the Spotlight programme ~~*****~~
~~*****~~
~~*****~~
Mr Robinson added that he wasn't able to pull any details together until the police investigation and said that if he had had that information sooner it would have led him to take legal action.
31. Mr Bain put it to Mr Robinson that Mr McCambley has said that he (Mr Robinson) had undertaken to ensure that the £5,000 was repaid to Mr Fraser's estate. Mr Bain asked if this was correct.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

32. Mr Robinson said that that was nonsense as he had never met Mr McCambley.
33. Mr Bain then asked what the position was so far in relation to the £5,000.
34. Mr Robinson said that to some extent it was hearsay, it was information that he had received either from his wife or as a result of the police investigation. The only element that he was aware of was that it was his understanding that the arrangement that was made with Mr Fraser was that the £25,000 was a charitable donation and that he didn't want it back. An undertaking had been made between Mr Fraser and his wife that if, and when, the funds were freed up from the business they were to be given to his wife to donate to other good causes. Mr Robinson added that this was something that she undertook to do. He added that his wife made numerous charitable donations and did so to some considerable degree beyond any money she received. She was, in fact, handing out more money than she was making either in her wages or from the £5,000. Mr Robinson said that this was in fact one of the issues relating to her illness in that she was donating money left, right and centre beyond what she had herself.
35. Mr Bain told Mr Robinson that he did not fully understand the distinction between this £5,000 which has not been repaid and the £20,000 which Mr Robinson had been so keen to have repaid through solicitors. He asked Mr Robinson why the £5000 wasn't returned to the Fraser estate used for charitable purposes.
36. Mr Robinson said that his view was that if it was to be provided for charitable purposes then Mr Fraser's estate, rather than his wife, should determine what charitable purposes it should be put to. He added that he thought it unnecessary for his wife to involve herself in such repayments.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

37. Mr Bain asked Mr Robinson why his wife shouldn't have repaid the £5,000 to Mr Fraser's estate so that it could be used by for charitable purposes.
38. Mr Robinson indicated that by the time that he was aware of it, it had already happened.
39. Mr Bain asked Mr Robinson did he think that the £5,000 had been paid back.
40. Mr Robinson said that he became aware of the £5,000 only at the time of the Spotlight programme. That was well after the £20,000 had been repaid to the Fraser estate.
41. Mr Bain then said that he thought that the £5,000 had not been repaid. He understood that there were two sums each of £5,000 outstanding. McCambley had paid £20,000 each to the solicitors for Mr Fraser's estate and to Mr Campbell. McCambley still owed Mr Campbell £5000 which left outstanding the £5,000 of the £25,000 given by Mr Fraser.
42. Mr Robinson said that he was not aware of the details and that as far as he was concerned he thought this was something that the solicitors should deal with.
43. Mr Bain said that it was described by Mr Black and, to a lesser extent, Mr McCambley that Mr Robinson was calling the shots in relation to how the money should be repaid and was giving advice to his wife on how this should be repaid through solicitors in order to have an audit trail for the events that had happened.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

44. Mr Robinson responded by saying that he had never met Mr McCambley so had no idea how he could conclude what he was thinking. As far as Mr Black was concerned Mr Robinson said that he was the adviser who never gave advice to his wife as to what she should or shouldn't have done, but nevertheless thought it appropriate to speak about these matters afterwards and it might have been better if he had given some advice at the time. Mr Robinson added that he had given his wife advice informing her that she should allow the matter to be dealt with properly and professionally through solicitors rather than being a conveyor herself.
45. Mr Bain thanked Mr Robinson for his responses and told him that he regretted having to ask a lot of questions but that he had a duty to follow them through. Mr Bain then asked Mr Robinson if he had anything to add or tell him.
46. Mr Robinson said that there was one further allegation in Spotlight which involved the opening shots of the programme. This was regarding the piece at the start of the programme in which they said that they would reveal how Iris Robinson, wife of the First Minister of Northern Ireland broke the law by failing to declare her financial interest in a public contract and how, in turn, her husband failed to tell the proper authorities. Mr Robinson said that this (i.e. the contract by Castlereagh Borough Council) had not been touched on by me.
47. Mr Bain responded that his view was that, even if it was the case that his wife had broken the law by failing to declare her interest in the contract (and Mr Bain stressed that he had yet to complete his investigation of that allegation), there was no duty on Mr Robinson under the Local Government Act to do anything in respect of that failure.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

48. Mr Robinson said that it was simply an allegation from his point of view and said that at the date of the meeting he was no longer a member of Castlereagh Council and was not aware of what the business of the Council was. Mr Robinson added that it was fairly clear that his wife had in fact left the meeting and that the security log showed that she had done so before the matter came up.
49. Mr Bain told Mr Robinson that this was helpful as other people might misunderstand it. He undertook to make clear in his report that at the relevant time Mr Robinson was no longer a member of the Council and had no involvement in the awarding of the lease.
50. Mr Bain asked if the note of this meeting and the draft report should be sent to him or through his solicitors.
51. Mr Robinson said that his solicitors have been tied up with a major public inquiry in the South and that the note of this meeting and a copy of the draft report should be sent directly to him.
52. Mr Bain enquired about Mrs Robinson as he was concerned about any adverse impact publication of his report would have on her.
53. Mr Robinson said that his wife is fine until she is confronted with a problem. He added that she had no coping skills and at times, when there have been articles in the papers about her, she has found it difficult. He added that when things are going well, she copes better.
54. In light of that response Mr Bain asked Mr Robinson if there were any special arrangements he should recommend to the Committee regarding publication of the report.

PROTECT - INVESTIGATION

PROTECT - INVESTIGATION

55. Mr Robinson said that, in his view, there was nothing that the Assembly Committee could do by way of sanctions. He added that he thought that in his wife's case the investigation was unnecessary but that it was wholly appropriate that the Committee had asked for an investigation into his position as a sitting Assembly Member and First Minister. Mr Robinson added that the only outcome of this will be to feed into another media frenzy which would have an impact at home.

56. Mr Bain thanked Mr Robinson for meeting with him.

Meeting concluded (11:00)

PROTECT - INVESTIGATION

8



Northern Ireland
Assembly

INVESTIGATION INTO SPOTLIGHT BROADCAST

Meeting with Ken Campbell

14 January 2013
Stormont Hotel

Start: 9.55am End: 10.25am

Present: Douglas Bain, Commissioner for Standards
Pamela Carson (Note of meeting)
Ken Campbell, Property Developer

Procedures of the investigation and the legal framework were explained. A summary of the background of the complaint and how the investigation would proceed was provided.

Mr Bain reminded Mr Campbell that it was a criminal offence not to answer, or to give false or misleading answers to, any of the questions put to him or to discuss the issues raised with anyone.

Mr Bain advised Mr Campbell that a draft note of the meeting would be sent to him as soon as possible and that he would give careful consideration to any suggested revisions made by Mr Campbell.

Mr Campbell stated that he had known Mr and Mrs Robinson for between 35-40 years as they were family friends. He confirmed that he did not know Mrs Robinson before she married Mr Robinson and only sees Mrs Robinson when he meets with Mr Robinson. He advised that he sees Mr Robinson approximately 5-6 times in a 6 month period and has continued to do so since the broadcast of the Spotlight programme.

Mr Bain queried the nature of the payment of £25,000 to Kirk McCambley and Mrs Robinson's involvement in this payment. Mr Campbell advised that Mrs Robinson approached him regarding a favour for a fellow church member whose father had

recently passed away and he required £25,000 to start a business. He said that Mrs Robinson had told him that Mr McCambley did not have collateral and the bank would not provide him with a loan. Following a conversation with Mrs Campbell, Mr Campbell agreed to lend Mr McCambley the money.

Mr Campbell advised that Mrs Campbell and his daughter met with Mr McCambley at Forestside Shopping Centre to pass the cheque over. He has not spoken to Mr McCambley and has only been contacted by Mr McCambley's solicitor regarding the repayment of the loan.

Mr Bain asked Mr Campbell to confirm that the loan was not to Mrs Robinson. Mr Campbell stated that the loan was 100% not for Mrs Robinson and she did not have sight of the cheque. He also advised that neither Mr Robinson nor Mrs Robinson had ever asked him for anything.

Mr Campbell advised that the cheque for £25,000 (cheque number 2805) was written for Mr McCambley on 27/07/08 and that he had received a repayment amount of £20,000 on 3 or 5 March 2009. He was advised that a further amount of £5,000 would be repaid but to date has not received any further payments.

Mr Bain asked if he had knowledge of £5,000 which was alleged to have been given to Mrs Robinson from Mr McCambley. Mr Campbell stated that he did not have any knowledge of this and found it strange as Mr McCambley's solicitor has accepted that Mr McCambley still owes £5,000 having repaid £20,000.

Mr Bain queried the suggestion that Mr Campbell had agreed to the favour as he required support for a development in Newtownards. Mr Campbell advised that he had asked Mrs Robinson, as the area MP, to facilitate a meeting with planners as Mrs Robinson met with them each week. During this meeting, Mr Campbell informed the planners of the piece of the 'Beverley site' he had purchased and was advised that he would need to submit a planning application.

Mr Bain asked if Mr Campbell regularly provided loans to friends and family. Mr Campbell advised that he had made loans to other friends but that as he was not a money lender he was not in receipt of any interest. He also advised that loans are recorded in his books.

Mr Bain queried if this was the only occasion Mrs Robinson had asked Mr Campbell for a personal favour. Mr Campbell confirmed that this had been the only occasion and that Mr Robinson was unaware of the request. Mr Bain inquired if Mr Robinson had ever asked Mr Campbell about the loan. Mr Campbell confirmed that Mr Robinson did indeed query it when he found out and that he only provided the information after the second request from Mr Robinson for information. He advised that, from what he could remember, this was before the Spotlight programme in early 2009.

Mr Campbell advised that Mr Robinson felt that Mrs Robinson should not have asked him for this favour. Mr Campbell also stated that he did not expect to receive the remaining amount owed or Mr McCambley any time soon.

Following the Spotlight broadcast, Mr Campbell advised that he tried to 'stay out of it' as it had cost him a considerable amount due to the misperception that he was aligned with the DUP.

Mr Bain thanked Mr Campbell for his assistance with the investigation and for the information provided.



Northern Ireland
Assembly

COMMISSIONER FOR STANDARDS

Room 283
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Tel: 028 9052 1211

Email: standards@niassembly.gov.uk

**McBurney & Co
Solicitors
5 Church Square
BANBRIDGE
BT32 4AS**

Your Ref: JMcB/RMcB

8 October 2013

Dear Sirs

**YOUR CLIENT: MRS IRIS ROBINSON
INVESTIGATION INTO ALLEGATIONS MADE IN BBC SPOTLIGHT
PROGRAMME**

Direction 6.13 of the Assembly Members' (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2012 provides as follows –

'Before finalising his or her report on an investigation, the Commissioner must provide the Member who is the subject of the investigation with an opportunity to challenge any findings of fact made by the Commissioner.'

I enclose the findings of fact I have made in relation to those allegations made in the programme which, if established, I consider could constitute a breach of the Code of Conduct.

I now afford your client the period ending on 31 October 2013 within which to challenge any of these findings or to propose further findings of fact that she believes I should make. Any challenge or proposal made must be supported by the evidence on which it is based whether in the form of witness statements or other documents.

Copy
9

PROTECT INVESTIGATION

If I have not had your client's substantive response by 31 October 2013 it is likely that I shall proceed with finalising my report prior to its submission to the Committee.

I have written in similar terms to Mr Peter Robinson.

Yours faithfully,

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

Enc (Findings of Fact)

PROTECT INVESTIGATION

- if in Mrs Robinson's opinion the money was not being used wisely then the whole sum was to be given to Mrs Robinson to use for charitable purposes of her choice.

15. That the payment was a gift.
16. This payment of £25k was made by cheque dated 23 June 2008 payable to Kirk McCambley.
17. That cheque was handed by Mr Fraser to Mrs Robinson and passed on by her to Kirk McCambley who lodged it in his account.
18. The cheque cleared on 26 June 2008.
19. Kirk McCambley subsequently paid sums amounting to £5k to Mrs Robinson.
20. Between the date on which Mr Fraser agreed to make the payment and the date of payment Mrs Robinson became aware of the Council were seeking a tenant for the Lock Keeper's Cafe.
21. On 18 December 2008 it was agreed that Kirk McCambley would repay £20k to the estate of the late Mr Fraser and that Iris Robinson would pay the estate the balance of £5k.
22. In January 2009 solicitors acting for Kirk McCambley paid £20k to the estate of the late Mr Fraser in part repayment of this loan.
23. Following her successful approach to Mr Fraser, Mrs Robinson asked Mr Ken Campbell for money to help Kirk McCambley set up in business.
24. Mr Campbell agreed to make an interest free unconditional loan of £25k.
25. In July 2008 Mrs Robinson facilitated a meeting at Forestside shopping Centre between Mrs Campbell and Kirk McCambley at which a cheque for £25k Payable to Kirk McCambley was handed over.
26. The cheque was dated 27 July 2008 cleared on 28 August 2008.
27. On 18 December 2008 it was agreed that Kirk McCambley would repay this £25k to Mr Campbell.
28. In early March 2009 Mr Campbell received a cheque for £20k in part repayment of the loan from solicitors acting for Kirk McCambley. The balance of £5K remains due by Kirk McCambley.
29. On her Members' Interests Registration Form dated 17 September 2001 Mrs Robinson signed the following declaration 'I have received and read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.'
30. On three days each week during session, since at least September 2008, a notice reminding Members that advice on registration of interests is available from the Clerk of Standards has been one of those displayed in rotation on the monitors in the common areas of Parliament Buildings.
31. At no time between March 2007 and her resignation as an MLA did Mrs Robinson seek advice from the Clerk of Standards in respect of the need to register either of the payments of £25k by the two developers or the payment of £5k by Kirk McCambley.

- 32. At no time during that period did Mrs Robinson advise the Clerk of Standards of any of these three payments.
- 33. On her Members' Interests Registration Form dated 9 November 2009 she made the following declaration 'I confirm that I have read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.' She made no disclosure in respect of any of these three payments on that form.
- 34. On that form Mrs Robinson provided unrelated information under Category 10 (Miscellaneous) and Category 11 (Unremunerated Interests).
- 35. Mr Robinson had no knowledge of either of the two payments of £25k until December 2008.
- 36. ~~*****~~
~~*****~~
- 37. Mr Robinson first learned of the £5k paid to his wife by Kirk McCambley from the Spotlight broadcast in January 2010.

10



Alderman Iris Robinson MP MLA

Please reply to

Tel (028) 91 827701
Fax (028) 91 827703
robinsoni@parliament.uk

HOUSE OF COMMONS
LONDON SW1A 0AA

12 North Street
Newtownards
BT23 4DE

3 July 2008

Mr Clifford McIlwaine
Divisional Planning Manager
DOE Planning Service
Rathkeltair House
Market Street
DOWNPATRICK
Co Down
BT30 6JE

Dear Clifford

Re: Social Housing @ Beverley Road, Newtownards

As Member of Parliament for the area, I would like to take this opportunity to express my support for the planning application for social housing which has been submitted by Ken Campbell at a site at Beverley Road in Newtownards.

There is currently a huge amount of pressure on social housing in the Newtownards area with over 4,000 people currently on the NI Housing Executive's waiting list. This has been caused by a number of factors including the sale of NI Housing Executive properties to tenants and the increasing number of single people seeking accommodation.

This innovative scheme is therefore desperately needed in Newtownards and I would urge you to take this into account as part of your deliberations.

Yours sincerely

IRIS ROBINSON MP MLA
Strangford

Important: Please quote our Reference Number on all future correspondence

11

**Statement
of
Dr Kevin Pelan**

I was the Clerk of Standards from March 2007 until I handed over to Paul Gill in September 2008.

I can confirm that since at least early 2008 a notice stating that advice on the registration of interests was available from the Clerk of Standards has been displayed, on a rotational basis during three days each week in session, on the screens in the common areas of Parliament Buildings.

I can also confirm that at no time did Mrs Iris Robinson seek my advice with regard to the need to register in the Register of Members' Interests either of two payments by property developers each of £25k.

I further confirm that at no time did Mrs Robinson seek my advice on the need to register her receipt of £5k from Mr Kirk McCambley.

05/09/2013

12



Northern Ireland
Assembly

INVESTIGATION INTO SPOTLIGHT BROADCAST

Meeting with Paul Gill

7 February 2013

Room 283

Start: 10.30am End: 11.05am

Present: Douglas Bain, Commissioner for Standards
Pamela Carson (Note of meeting)
Paul Gill, Clerk of Standards

Procedures of the investigation and the legal framework were explained.

Mr Bain reminded Mr Gill that it was a criminal offence not to answer, or to give false or misleading answers to, any of the questions put to him or to discuss the issues raised with anyone.

Mr Bain advised Mr Gill that a draft note of the meeting would be sent to him as soon as possible and that he would give careful consideration to any suggested revisions made by Mr Gill.

Mr Gill confirmed that he has been the Clerk to the Standards and Privileges Committee since September 2008. He advised that during this time, he had not directly provided oral guidance to either Mr Robinson or Mrs Robinson. He also confirmed that there was no record in his office of either Mr Robinson or Mrs Robinson having been provided with oral guidance prior to September 2008.

Mr Gill said that he had delivered a presentation to the DUP regarding the revised Register of Members' Interests in November 2009. Mr Gill confirmed that Mr Robinson was present on this occasion but Mrs Robinson was not.

Mr Bain advised that Mrs Robinson had claimed that she had no understanding of the Register of Members' Interests or the rules surrounding it. He asked Mr Gill to confirm his (Mr Bain) understanding that after each election, the Clerk of Standards contacts each Member regarding the register. Mr Gill confirmed that this was the case and this would have been done in 1999, 2007 and 2011. He also advised that this would have also been carried out in 2009 when the new register was issued.

Mr Gill provided copies of forms provided to the Members along with subsequent correspondence regarding updates and changes to the register from Mr Robinson and Mrs Robinson.

Mr Bain asked Mr Gill to confirm if his duty as Clerk to the Committee was to maintain the Register and to guide Members on the registering and declaring of interests if they request advice. Mr Gill confirmed this and advised that neither Mr Robinson nor Mrs Robinson had contacted him to seek advice or guidance. He said that the only interaction he had with either party was when they had returned their completed Members' Interests Registration Form and when they had subsequently updated their entries on the register. Records of these interactions were included in the papers provided by Mr Gill.

Mr Bain asked if a notice reminding Members that advice on the Register of Interests was available from him was still being displayed on the internal television screens in Parliament Buildings. Mr Gill advised that this was the case and that they were displayed on the television system when the Assembly was not sitting. .

Mr Gill advised that, while he did not provide oral advice, having dealt with a previous unrelated complaint, Mrs Robinson was aware of the Code of Conduct. No documentation relating to this complaint was provided.

Mr Bain thanked Mr Gill for his assistance with the investigation and for the information provided.

13



Northern Ireland
Assembly

Members' Interests Registration Form

October 2009

Register of Members' Interests

This form is issued in accordance with the resolution of the Assembly of 17 June 2009. The main purpose of the Register of Members' Interests is to provide information of any financial interests or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly. Provision is also made for the registration of non-financial interests and other such information as the Assembly may from time to time require to be included. This registration form specifies twelve categories of registrable interests. For details of the information which is required to be registered, please refer first to the Code of Conduct and the Guide to the Rules relating to the Conduct of Members (revised edition dated 12 October 2009). Copies of this document are available from the Clerk of Standards, Room 284, ext. 20333 and may be accessed on the Assembly website. Personal advice on completing the Registration Form can be obtained, in confidence, from the Clerk of Standards.

If there is not enough space in any section of this form for the information required, please use the additional sheets included at the back of this form; **each additional sheet completed should carry the relevant Category title.**

Subsequent changes or additions to your entry should be notified to the Clerk of Standards within 28 days of any change occurring.

Declaration: I confirm that I have read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.

Name: IRIS ROBINSON *(Block capitals, please)*

Constituency: STRANGFORD

Signature:

Date: 9th Nov., 2009

Category 1 Directorships

Please read paragraphs 18 to 26 of the Guide to the Rules before completing this section

A Do you have, or expect to have, any remunerated directorships in any public or private company? YES NO

If no, please proceed to page 2

NB In this Category, and in others, "remuneration" includes not only salaries and fees, but also the receipt of taxable expenses, allowances, or benefits, such as the provision of a company car.

B Do you provide any services to clients in respect of the registered directorship which depend essentially upon, or arise out of, your position as a Member of the Assembly? YES NO

If you answered yes to (A), then please provide the following information for each Directorship from which you receive or expect to receive remuneration:

Company Name and nature of business	Remuneration £ (Gross)	no. of hours worked per week/month*
N/A.		

* You are only required to register the approximate average hours that you work.

Any relevant additional Information:

Category 1 - Directorships

If you answered yes to (B), then please provide the following information for each Directorship from which you received, receive or expect to receive remuneration:

Name of Client and nature of client's business	Nature of remunerated work carried out by you	Remuneration £ (Gross)	no. of hours worked per week/month
N/A.			

NB If you answered yes to (B) you should also consider the requirement to deposit an employment agreement; the details of this requirement are set out at paragraphs 34 – 36 of the Guide to the Rules.

Any relevant additional Information:

Category 2 Remunerated Employment, Office, Profession, Etc.

Please read paragraphs 27 to 36 of the Guide to the Rules before completing this section.

- A** Do you have, or expect to have, any employment, office, trade, profession or vocation (other than as set out in Categories 1 or 3) for which you are remunerated or in which you have any equivalent financial interest? YES NO If no, please proceed to page

All employment outside the Assembly and any sources of remuneration which do not fall clearly within any other Category should be registered here. In this Category, and in others, "remuneration" includes not only salaries and fees, but also the receipt of taxable expenses, allowances, or benefits, such as the provision of a company car.

- B** Do you provide any services to clients which depend essentially upon, or arise out of, your position as a Member of the Assembly but is not as a result of a remunerated Directorship (Category 1)? YES NO

If you answered yes to (A), then please provide the following information for each interest from which you received, receive or expect to receive remuneration:

Profession/position held/ work carried out for payment	Employer or organisation or individual making payment*	Nature of its business	Remuneration £ (gross)	No. of hours per week/month worked#

* If you are self-employed fill in this box with 'self-employed'.

You are only required to register the approximate average hours that you work or worked

Category 2 - Remunerated Employment, Office, Profession, Etc.

Any relevant additional Information:

If you answered yes to (B), then please provide the following information for each interest from which you received, receive or expect to receive remuneration:

Name of Client and nature of client's business	Nature of remunerated work carried out by you	Remuneration £ (Gross)	no. of hours worked per week/month

NB If you answered yes to (B) you should also consider the requirement to deposit an employment agreement; the details of this requirement are set out at paragraphs 34 – 36 of the Guide to the Rules.

Any relevant additional Information:

Category 3 Elected/Public Office

Please read paragraphs 37 to 42 of the Guide to the Rules before completing this section.

Do you have membership of any elected/public offices (apart from membership of the Assembly) whether remunerated or not, or if expenses only are payable?

YES

If no, please proceed

If you answered yes, then please provide the following information for each office from which received, receive or expect to receive remuneration or expenses:

Elected/Public Office held	Is it remunerated?	Remuneration £ (gross)	no. of work weeks
MEMBER OF PARLIAMENT	Yes	£64,766 p.a.	68 eve 4 w
MEMBER OF CASTLEREAGH BOROUGH COUNCIL	Yes.	£9,738 p.a.	10 eve 4

* You are only required to register the approximate average hours that you work.

Any relevant additional information:

The hours which I spend on constituency work as an MP, as well as Council is impossible to break down. "Time" estimate is indicative of attendance at venues (time in total for my constituency work

Category 4

Electoral Support and Political Donations

Please read paragraphs 43 to 47 of the Guide to the Rules before completing this section.

A Have you or your Constituency association received any donation amounting to more than £1,000 (whether as a single donation or as multiple donations of more than £200) which was linked specifically to your candidacy or membership of the Assembly (and which would be registrable during this mandate)?

YES NO

B Do you benefit or have you benefited from any other form of financial or material benefit (including loans or credit) other than as registered at 4(a), in support of your role as a Member of the Assembly (and which would be registrable during this mandate)?

YES NO

If you answered no to both A and B please proceed to page 8

If you answered yes, then please provide the following information for each Donation:

Name of donor	Nature of business (if appropriate)	Amount of donation or nature of benefit and value if donation in kind

Any relevant additional information:

Category 5

Gifts, Benefits and Hospitality (UK)

Please read paragraphs 48 to 55 of the Guide to the Rules before completing this section

Have you, your partner or dependent children received any gift, or any material benefit, such as hospitality, of a value greater than 0.5 per cent of the current salary of an Assembly Member (currently £217) from any company, organisation or person within the United Kingdom which in any way relates to your membership of the Assembly (including those received in a ministerial capacity) or to your political activities (and which would be registrable during this mandate)?

YES N

If no, please proceed to

If you answered yes, then please provide the following information for each occurrence.

Name of Donor	Details of gift/benefit/hospitality	Date of receipt

Any relevant additional information:

Category 6 Overseas Visits

Please read paragraphs 56 to 58 of the Guide to the Rules before completing this section.

Have you, your partner or dependent children made any overseas visits relating to or in any way arising out of your membership of the Assembly (including those made in a ministerial capacity) or your political activities, where the cost of the visit exceeded 0.5 per cent of the current salary of an Assembly Member (currently £217) and was not wholly borne by you (and which would be registrable during this mandate)?

YES NO

If no, please proceed to page 10

Please note the exemptions as set out in paragraph 57.

If you answered yes, then please provide the following information for each visit:

Name of donor who met the cost	Destination of visit	Purpose of visit	Date of visit

Any relevant additional information:

Category 7

Overseas Benefits and Gifts

Please read paragraph 59 of the Guide to the Rules before completing this section.

Have you or your partner or dependent children received any gifts or benefits of a value greater than 0.5 per cent of the current salary of an Assembly Member (currently £227), from any company, organisation or person outside of the United Kingdom which in any way relates to membership of the Assembly (including those received in a ministerial capacity) or to your political activities (and which would be registrable during this mandate).

YES NO

If no, please proceed to pa

If you answered yes, then please provide the following information for each overseas benefit/

Name of donor	Purpose of visit	Gift or benefit received	Date of

Any relevant additional information:

Category 8

Land and Property

Please read paragraphs 60 to 64 of the Guide to the Rules before completing this section.

- A Do you have any land or property either within or outside of Northern Ireland, other than any home used for your personal residential purposes or those of your partner or dependent children, which is worth more than the current salary of an Assembly Member (currently £43,381)? YES NO
- B Do you receive rental income for any property to a total annual value greater than 10 per cent of the current salary of an Assembly Member (currently £4,381)? YES NO

If you answered no to both A and B please proceed to page 12

If you answered yes, to (A) or (B) please provide the following information for each entry:

Nature of the property	General location of Property	Is rental income received as per (B)?
APARTMENT	LOWDOON	NO
HOUSE	FLORIDA	NO
CONSTITUENCY OFFICE	BELFAST EAST	NO

Any relevant additional information:

These properties are owned jointly with my husband.

Category 9 Shareholdings

Please read paragraphs 65 to 68 of the Guide to the Rules before completing this section

Do you have (either yourself or with or on behalf of your partner or dependent children) interests in shareholdings in any public or private company or other body where either:

YES NO

If no, please proceed to page 12

- (a) The nominal value of the shares is, or was, greater than 1 per cent of the issued share capital of the company or body; or
- (b) the market value of the shares (rounded down to the nearest £10) at the relevant date exceeds, or exceeded, 50% of the current salary of an Assembly Member (currently £21,691) on that date.

If you answered yes, then please provide the following information for each shareholding:

Name of Company or Body and nature of its business	Please indicate if your holding falls under sub-category (a) or (b) above or both

Any relevant additional Information:

Category 10 Miscellaneous

Please read paragraphs 69 to 70 of the Guide to the Rules before completing this section.

If, bearing in mind the definition of the purpose of the Register set out in the introduction to this Form, you have any relevant financial interests which you consider should be disclosed but which do not fall within the nine categories set out above, please list them below.

NB Members should also register in this category membership of any occupational pension scheme (as defined in paragraph 69 of the Code of Conduct).

Do you have any miscellaneous financial interests to register?

YES NO

If no, please proceed to page 14

Name of Occupational pension scheme:

PARLIAMENTARY PENSION SCHEME.
(House of Commons)

Other details:

Category 11

Unremunerated Interests

Please read paragraphs 71 to 72 of the Guide to the Rules before completing this:

Do you have any unremunerated interests which might reasonably be thought by others to influence your actions as a Member of the Assembly?

YES

If no, please provide details:

(Other than any unremunerated elected or public Office which falls under Category 3).

Details:

DIRECTOR OF BALLYORAN CENTRE R'BEEN

Lined area for providing details of unremunerated interests.

Category 12

Family Members who Benefit from Assembly Members' Allowances

Please read paragraphs 73 to 80 of the Guide to the Rules before completing this section.

Do any family members of yours, or of any other Assembly Member, benefit directly or indirectly in any way from any of your Assembly Members' Allowances? YES NO

NB For (a) and (b) below, in the case of family members of other Assembly Members, you should state the Assembly Member's name and the relationship of the person to him or her.

- (a) Please give the relationship and job title of any family member employed by you and remunerated through the Assembly Members' allowances.

Relationship	Job Title

- (b) Please give the relationship of any family member who benefits directly or indirectly in any other way from any of your Assembly Member's allowances (e.g. through the rental of office accommodation).

Relationship	Form of Benefit

Any relevant additional information:

Please return this form to the Clerk of Standards, Committee on Standards and Privileges, Room 284, Parliament Buildings.



14

With Compliments



HOUSE OF COMMONS
LONDON, SW1A 0AA

MEMBERS INTERESTS
REGISTRATION FORM

REGISTER OF MEMBERS' INTERESTS

This form is issued in accordance with the resolution of the Assembly of 1 March 1999. The main purpose of the Register of Members' Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly. For the details of the information which is required to be registered, please refer first to the explanatory notes in each section of the form. Further, more detailed, guidance can be found in the Guide to the Rules relating to the Conduct of Members. Copies of that document are available from the Clerk of Standards in Room 26, ext 21747 (mobile 07899 864368). Personal advice on completing the Registration Form can be obtained, in confidence, from the Clerk of Standards.

If there is not enough space in any section of this form for the information required, additional sheets may be attached to it; but each such sheet should carry the Member's signature.

Subsequent changes or additions to your entry should be notified to the Clerk of Standards within one month of any change occurring.

Name: *(Block capitals, please)* IRIS ROBINSON

Constituency: STRANGFORD

I have received and read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.

Signature: _____

Date: 17.09.02.

IMPORTANT NOTE

In accordance with the Resolution of the Assembly of 1 March 1999, the following rules must be observed when submitting entries under Categories 1, 2 and 3 of the Register.

Any Member entering into an employment agreement with an outside body which involved the provision of services in the capacity as a Member of Assembly must, when making the appropriate entry in the Register, put such an agreement into writing and deposit a copy with the Clerk of Standards who may make it available for public inspection.

The written agreement should indicate the nature of the services to be provided, should not require a Member to take part in activities which fall within the definition of advocacy (see paragraphs 54-64 of the Guide to the Rules relating to the Conduct of Members) and must specify the fees or benefits the Member is to receive in bands of (i) up to £1,000; (ii) £1,001 to £5,000; (iii) £5,001 to £10,000; and thereafter in bands of £5,000.

For guidance on the application of this rule, see paragraph 34 et seq of the Guide to the Rules relating to the Conduct of Members.

1. DIRECTORSHIPS

Do you have any remunerated directorships in any public or private company?

Yes No

Please tick the appropriate box. If yes, please list the name of the companies in the Details below, briefly stating the nature of the business of the company in each case.

Notes:

- (i) *You should include directorships which are individually unremunerated where remuneration is paid through another company in the same group.*
- (ii) *In this category and category 2 below, "remunerated" should be read as including taxable expenses, allowances or benefit.*

Details

2. REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC

Do you have any employment, office, trade, profession or vocation (apart from membership of the Assembly or ministerial office) for which you are remunerated or in which you have any pecuniary interest?

Yes No

Please tick the appropriate box. If yes, please set out the details below. When registering employment with a company or firm, please briefly indicate the nature of its business.

Note:

Membership of Lloyd's should be registered under this category. If you register membership of Lloyd's you should also disclose the categories of insurance business which you are underwriting.

Details

3. CLIENTS

Does any of the paid employment registered in categories 1 or 2 above entail the provision to clients of services which depend essentially upon or arise out of your position as a Member of the Northern Ireland Assembly (see Note (i) below)?

Yes No

If yes, please list below all clients to whom you personally provide such services. Please also state in each case the nature of the client's business.

Notes:

- (i) *The services covered by this category include action connected with any Assembly proceeding or other services relating to membership; for example, sponsoring meetings or functions in Parliament Buildings, and the provision of advice on Assembly or public affairs.*
- (ii) *Where you receive remuneration from a company or partnership engaged in consultancy business which itself has clients, you should list any of those clients to whom you personally provide such services or advice, directly or indirectly.*

Details

4. SPONSORSHIP (REGULAR OR CONTINUING SUPPORT IN MONEY OR KIND)

- (a) Did you benefit from any sponsorship before your election, where, to your knowledge, the financial support in any case exceeded 25 per cent of your election expenses at that election?

Yes No

If yes, please list your sponsor(s) in the Details space below. Where a company is named as sponsor, please indicate briefly the nature of its business.

- (b) Do you benefit from any other form of sponsorship or financial or material support as a Member of the Assembly which involves any personal payment, benefit or advantage?

Yes No

If yes, please give details below, including the name of the organisation or company providing the support. Where a company is named, please indicate briefly the nature of its business.

Notes:

- (i) *You should not register sponsorship by your constituency party. But you should register, under category 4(b), any regular donations made by companies or organisations to your constituency party in excess of £500 per annum which are linked directly to your candidacy in the constituency or to membership of the Assembly.*
- (ii) *You should also register under category 4(b) any source of regular or continuing support from which you receive any financial or material benefit, directly or indirectly; for example the provision of free or subsidised accommodation, or the provision of the services of a research assistant free or at a subsidised salary rate.*

Details

(a) (Sponsorship or financial support as an Assembly candidate.)

(b) (Other sponsorship or financial or material support.)

5. GIFTS, BENEFITS AND HOSPITALITY (UK)

Have you or your partner received any gift of a value greater than £125, or any material advantage of a value greater than 0.5 per cent of the current Assembly salary from any company, organisation or person within the United Kingdom which in any way relates to your membership of the Assembly?

Yes No

If yes, please give details below.

Notes:

- (i) *You should include any hospitality given and services or facilities offered gratis or at a price below that generally available to members of the public, except that where the advantage is known to be available to all Members of the Assembly, it need not be registered.*
- (ii) *You should include not only gifts and material advantages received personally by you and your partner, but also those received by any company or organisation in which you (or you and your partner jointly) have a controlling interest.*

Details

6. OVERSEAS VISITS

Have you or your partner made any overseas visits relating to or in any way arising out of your membership of the Assembly where the cost of the visit was not wholly borne by yourself or by Northern Ireland public funds?

Yes No

If yes, please list the relevant visits below, in chronological order.

Notes:

You are not required to register visits undertaken on behalf of the Commonwealth Parliamentary Association, the Inter-Parliamentary Union (or the British-Irish Parliamentary Body), the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the North Atlantic Assembly or the OSCE Parliamentary Assembly. Other categories of overseas visits which are exempt from the requirement to register are listed in paragraph 27 of the Guide to the Rules relating to the Conduct of Members.

Details

Countries visited	Dates of Visit	Purpose of Visit	Who Paid
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. OVERSEAS BENEFITS AND GIFTS

Have you or your partner received any gift of a value greater than £125, or any material advantage of a value greater than 0.5 per cent of the current Assembly salary, from or on behalf of any foreign Government, organisation or person which in any way relates to your membership of the Assembly?

Yes No

If yes, please give details below.

Notes:

Overseas hospitality and travel facilities should be entered under category 6. Otherwise the notes under category 5 apply here.

Details

8. LAND AND PROPERTY

Do you have any land or property, other than any home used solely for the personal residential purposes of you or your partner, which has a substantial value or from which you derive a substantial income?

Yes No

If so, please indicate below the nature of the property (e.g. Estate, Farm, smallholding, Woodland, Residential rented/leasehold property, Commercial rented/leasehold property) and give the general location of the property in each case.

Details

Nature of Property

Location

Nature of Property	Location

9. SHAREHOLDINGS

Do you have (either yourself or with or on behalf of your partner or dependent children) interests in shareholdings in any public or private company or other body which are (a) greater than 1 per cent of the issued share capital of the company or body; or (b) less than 1 per cent of the issued share capital but more than £25,000 in nominal value?

Yes No

If so, please list each company or body below, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.

Details

10. MISCELLANEOUS

If, bearing in mind the definition of purpose set out in the introduction to this Form, you have any relevant pecuniary interests which you consider should be disclosed but which do not fall within any of the nine categories set out above, please list them below.

Details

11. UNREMUNERATED INTERESTS

Do you have any unremunerated interests which might reasonably be thought by others to influence your actions as a Member of the Assembly?

Yes No

Notes:

You should register unremunerated directorships or any other interests where the body with which you are concerned might benefit directly from public funds or from a decision taken by the Northern Ireland Assembly.

Details

DA-Reg Fin Int

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

15

S1/10

NOTE OF MEETING WITH SELWYN BLACK ON 22 SEPTEMBER 2011

**Present: Mr Tom Frawley, Interim Commissioner for Standards
Mrs Marie Anderson, Deputy Ombudsman
Dr Selwyn Black, Witness
Mrs Caroline Creighton, Dr Black's Solicitor
Mrs Gillian Coey, Investigating Officer (Notetaker)**

1. Mr Frawley opened the meeting at 10.30am by outlining his role as Interim Commissioner for Standards. He explained that in 2002, he had been asked by the then Speaker of the Assembly, Lord Alderdice, to act as Interim Commissioner pending a decision on the formal appointment of a Commissioner for Standards by the Assembly. Mr Frawley advised that the post of Commissioner for Standards had been advertised recently, and that it was anticipated that any successful appointee from that competition would be in post in January 2012.
2. Mr Frawley went on to explain that he was currently seeking clarification on how the appointment of a Commissioner for Standards would impact on the investigation that the Committee on Standards and Privileges had asked him to undertake in relation to the issues that had been raised in the Spotlight programme broadcast on 7 January 2010. He advised that it was possible that if he was unable to complete his enquiries by the time the Assembly Commissioner took up his/her appointment, the new Commissioner may assume responsibility for concluding the investigation. Mr Frawley informed Dr Black that he would keep him advised on this matter.
3. Mr Frawley provided Dr Black and Mrs Creighton with documents that outlined the terms of reference of his investigation, and described the process he would follow in undertaking his investigation. He also explained how the Committee would consider his report. Mr Frawley provided copies of relevant Assembly Standing Orders (Standing Orders 57, 69, 69A, 69B and 69C) and a copy of the Assembly's Code of Conduct and the Guide to the Rules Relating to the Conduct

PROTECT - INVESTIGATION

1

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

of Members. (Copies of the documents provided to Dr Black and Mrs Creighton are at Annex A.)

4. Mr Frawley highlighted that the request he had received from the Committee to undertake an investigation into the conduct of Mrs Iris Robinson and Mr Peter Robinson had been made in the context of a referral from the Committee and had not originated as a complaint against those individuals. Mr Frawley explained that he had been asked on 13 January 2010 to carry out the investigation but that it had been necessary to suspend his enquiries until the outcome of the PSNI's criminal investigation and the Public Prosecution Service's consideration of further action had become known. It had only been on 8 June 2011 that the Committee had decided that his investigation should resume.
5. Mr Frawley outlined how his investigation had progressed to date. He explained that he had already spoken to Mrs Robinson's legal representative. He confirmed that he had not spoken to Mrs Robinson personally as she was not yet considered medically fit to meet with him but that this situation would be kept under review as the investigation progressed. Mr Frawley also explained that he had made arrangements to meet with Kirk McCambley and that he would speak to others, as he considered necessary, during the course of the investigation.
6. Mr Frawley informed Dr Black that he had received the full cooperation of the BBC, in that he had been provided with 10 DVDs, which showed full versions of interviews given in relation to the Spotlight programme, and copies of documents, which it was understood, Dr Black had made available to the BBC.
7. Mr Frawley advised Dr Black that it would be helpful to have access to the text messages that had been referred to in the Spotlight programme. He asked Dr Black if it would be possible to obtain copies of the texts, either directly from him or from the BBC.
8. Dr Black advised that he had transcripts of the texts and that he is content to verify that these are an accurate record of the messages that are still held on his

PROTECT - INVESTIGATION

2

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

mobile telephone – he explained that it is not his practice to delete texts from his phone. Dr Black expressed concern that some of the texts contained personal information that is not pertinent to the matters raised in the Spotlight programme. He explained that some texts included reference to matters of a medical nature and that he was conscious of the need to protect the confidentiality on which those communications had been based.

9. Mr Frawley advised Dr Black that he was interested only in the texts that related to matters that were within the compass of the Standards Committee. He assured Dr Black that texts which were not relevant to those matters would not be sought from him.
10. Dr Black explained that he had prepared a document detailing the timeline of the events referred to in the Spotlight programme. He suggested that it should be possible to identify from that document the specific texts that were relevant to the matters being investigated. Dr Black provided copies of the timeline document to Mr Frawley, Mrs Anderson and Mrs Coey. (A copy of the document provided by Dr Black is attached at Annex B.)
11. Mr Frawley outlined the process by which the Committee on Standards and Privileges would consider the report of his investigation. He explained that he, as Interim Commissioner, would make a judgement as to whether or not there had been a breach of the Code of Conduct. The Committee may accept or reject his conclusion, or it may ask him to make further enquiries. Mr Frawley highlighted that the Committee was committed to publicising his report, whatever its decision on it. He advised Dr Black that since the report would therefore come into the public domain, he would work with Dr Black to identify the texts that were relevant to the issues that he had been asked to investigate in order not to compromise the reputation of any third parties. It was agreed that when the texts that were relevant to the investigation had been identified, Mrs Anderson would liaise with Mrs Creighton to obtain transcripts of them.

PROTECT - INVESTIGATION

3

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

12. Mr Frawley explained that he had yet to decide on how his report on his investigation would be communicated to the Committee. He said that this would be an important consideration at a later stage due to the need to ensure the confidentiality of his investigation and the process that informed it before the Committee assumed its responsibility to report on its consideration of his findings and make a decision on what action should be taken.

13. Mrs Creighton referred to the document that Mr Frawley had provided regarding the terms of reference of his investigation. (That document highlighted that the Committee had met on 11 January 2010 and had considered how it should deal with the issues raised in the Spotlight programme broadcast on 7 January 2010.) Mrs Creighton asked if the Committee's meeting on that occasion had been routine or it had been convened specifically to consider that particular matter. Mr Frawley advised that he was unable to say for certain, but that he believed that the meeting had been focussed on the issues raised in the Spotlight programme. Mr Frawley agreed to provide further clarification on this point.

14. Mrs Creighton also sought clarification as to whether there had been a "complainant" in this case. Mr Frawley confirmed that the investigation had come about through a referral by the Committee. Dr Black pointed out that it was his understanding that the Sinn Féin Chief Whip had raised the matter with the Committee. Mr Frawley confirmed that this had been the case. He also advised that Mr Robinson had written to the Committee requesting it to commence an inquiry into the questions raised in the Spotlight programme. Mr Frawley said that the chronology of all correspondence relating to initiation of his investigation would be documented as this information should also be brought into the public domain.

15. Mr Frawley referred to the allegations that had been made in the Spotlight programme about the conduct of Mrs Robinson and Mr Robinson. He stated that it had been alleged:

PROTECT - INVESTIGATION

4

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

- that Mrs Robinson “broke the law by failing to declare her financial interest in a public contract”;
- that Mrs Robinson “broke the law by accepting £50,000 from two property developers and not declaring it”;
- that Mrs Robinson received a cash payment from Kirk McCambley, which was part of the monies provided by the property developers; and
- that Mr Robinson “failed to tell the proper authorities” about these matters.

16. Prior to asking Dr Black specific questions in relation to those allegations, Mr Frawley explained that a note of today’s meeting would be provided to him for his consideration and that his agreement would be sought as to whether it accurately reflected the matters that had been discussed.

17. Dr Black explained that in responding to Mr Frawley’s questions, he would refer to the events and the text messages detailed in the timeline document he had tabled earlier in the meeting.

18. Mr Frawley asked Dr Black to explain how and when he had come to work as Mrs Robinson’s Special Advisor.

19. In responding to Mr Frawley’s enquiry, Dr Black referred to the events listed in the timeline document that he had provided to Mr Frawley earlier in the meeting. Dr Black explained that a friend of his, Dr Paul Miller, had been invited to become Special Advisor to Mrs Robinson. Dr Miller had felt unable to commit the necessary time to the post and had asked Dr Black to “share” the job. Dr Black explained that he had met with Mrs Robinson before Christmas 2007 and that he and Dr Miller had undertaken the role of Special Advisor to Mrs Robinson on a shared basis from 29 January 2008. Dr Black commented that despite the matters that had been the subject of the Spotlight programme, he had very much enjoyed his time in this role.

20. ~~*****
*****~~

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

21. Dr Black spoke of how on 12 February 2008, two weeks after he had started working as Special Advisor, Mrs Robinson had been involved in a late sitting of the Assembly. He had been in the office finishing off some work when Mrs Robinson had returned from the Chamber.

.....
Mrs Robinson had disclosed how she had known Billy McCambley for more than 20 years through his business. She had spoken of how she had introduced Billy McCambley to her church, the Light and Life Free Methodist Church, Dundonald, .

Dr Black explained that on 26 February 2008, he and Dr Miller had been working together when they had heard that Billy McCambley had passed away. Dr Black recounted how Mrs Robinson had gone to visit Billy McCambley's family and how she had been involved in the funeral arrangements.

22. Dr Black went on to describe that on 13 May 2008, Mrs Robinson had told him that she had promised Billy McCambley that she would support his son, Kirk McCambley, in his life and his career. ~~*****~~
~~*****~~
~~*****~~
~~*****~~
~~*****~~
~~*****~~. Dr Black went on to describe how, in meeting his commitment to Mrs Robinson, he had taken Kirk McCambley for a walk in the countryside and how they had talked for approximately 1½ hours.

23. Dr Black also spoke of a constituency visit Mrs Robinson had undertaken on 27 May 2008 to Avalon Guitars, a guitar manufacturer based in Newtownards. Both he and Dr Miller had been invited to go along to the visit. He had been asked to collect Kirk McCambley and bring him to the business premises.
~~*****~~
~~*****~~

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

24. Dr Black then referred to Mrs Robinson having made comments about gay people on the Stephen Nolan radio programme on 6 June 2008. He described how he had felt uncomfortable with Mrs Robinson's comments and how he had known at the time that they would cause conflict between Mrs Robinson and Dr Miller, and as a consequence, potential difficulties in their working relationship. Dr Black referred to his subsequent role in facilitating "separation" between Mrs Robinson and Dr Miller.

25. [REDACTED]

u. He spoke of how complex constituency issues would be referred to him at Stormont because they were not being dealt with at constituency level

26. [REDACTED]

27. Dr Black referred to another entry in the timeline document, that relating to 15 October 2008. He stated that he had had an indication at that time of Mrs Robinson's involvement in the business opportunity at the Lock Keeper's Cottage. He read from a transcript of a text that Mrs Robinson sent to him on that date, which referred to her having taken Kirk McCambley to see a café in Killyleagh to suggest how the Lock Keeper's Inn should look. Dr Black stated that Mrs Robinson had very much wanted to be involved the process of getting the business established and in choosing furnishings etc for the café.

[REDACTED]

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

*****. He referred to having had a sense that Kirk McCambley had been using Mrs Robinson to help him get the business established. Dr Black also referred to having been concerned that Mrs Robinson was in a vulnerable position. Dr Black said he was having an increasing sense that he was being involved in matters outside of the role for which he had been appointed, but his instinct had been to protect Mrs Robinson.

28. Mr Frawley asked Dr Black whether Castlereagh Borough Council had already granted the lease for the business to Kirk McCambley by that stage. Dr Black replied that he did not know when the lease had been granted. He believed that it had been in September or October 2008 that Mrs Robinson had told him about having identified a business opportunity for Kirk McCambley. He expressed the view that Mrs Robinson wanted to be very much involved with the project.

29. Mr Frawley asked Dr Black if he had been aware of the tender process at Castlereagh Borough Council. Dr Black advised that he had not been aware of this; he had been conscious only of Mrs Robinson's involvement in the business opportunity and of her having been "up and down" emotionally during that period.

30. *****

31. Mr Frawley asked Dr Black whether he had still been unaware at that time of the business activity and whether he had any sense of Mrs Robinson's level of engagement in it. Dr Black replied that he was unsure of the level of her involvement at that time. He was aware that she had been going to the Lock Keeper's Inn but it had only been later on that he had realised how frequent her visits had been. Dr Black referred to Mrs Robinson having bought individual sweatshirts for the Lock Keeper's Inn staff while she had been in Florida over the 2009 New Year period. Dr Black was aware of this because they had been given to him in shopping bags with the request that he would deliver them to the Lock

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

Keeper's Inn staff.

- 32. Dr Black referred to a document that he had found recently on his computer. (He explained that he had copied information from his office computer at the time of his first resignation from the Special Advisor role in June 2009. He said that it had only been at the point when he had been preparing for this meeting with Mr Frawley that he had realised that he had this document.) Dr Black gave a copy of the document to Mr Frawley (attached at Annex C). He explained that it was a letter dated 23 September 2008 from Mrs Robinson to Kirk McCambley. The letter referred to a commitment by Kirk McCambley to give one third of the profits from the Lock Keeper's Inn business, and from any further similar businesses, to the Light and Life Church.

- 33. Dr Black referred to the entry for 22 November 2008 in his timeline document and read from the transcript of a text Mrs Robinson had sent to him on that date. Dr Black said that this text included the first reference by Mrs Robinson (in the context of a text message) to Kirk McCambley having to repay £45,000. He also said that it was his recollection that he and Mrs Robinson had a conversation around that time during which she had indicated that she had secured funding to enable Kirk McCambley to set up the Lock Keeper's Inn business.

- 34.

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

35.

36.

37.

Dr Black then spoke about a meeting he had facilitated between Mrs Robinson and Kirk McCambley on 18 December 2008. The meeting had taken place late in the afternoon in premises on the Lisburn Road, Belfast and had lasted for between 45 minutes to an hour. Dr Black said that he had been unaware, at the beginning of the meeting, of the detail how the Lock Keeper's Inn had been financed and had become "increasingly horrified", as the meeting had progressed, when he had learnt about the sources of the finance for the business *****. He described how he had become aware that it had been Fred Fraser and Ken Campbell who had financed the business with contributions of what transpired to be a total sum of £50,000. Dr Black also stated that it had been agreed at the meeting that £45,000 of that £50,000 would be returned to Mrs Robinson.

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

38. Dr Black referred to a copy of a note he had made at the meeting. He confirmed that one of the documents that the BBC had provided to Mr Frawley (attached at Annex D) was a copy of the note he had made at the meeting. Dr Black advised that the headings on the note (“Regularising”; “relationships”; “financial”; “Damage limitation” etc) outlined how he had intended the meeting to be structured and sequenced. He explained that the two references in the note to “£25k” related to the two payments of £25,000 that had been made by Fred Fraser and Ken Campbell respectively, and that the reference to “£5k” related to £5,000 of the £50,000 that had been kept by Mrs Robinson. He also explained that the reference to “1/3” related to the proportion of the business profits that Kirk McCambley had agreed to give to Mrs Robinson’s church, that is, the arrangement that had been referred to in Mrs Robinson’s letter of 23 September 2008 to Kirk McCambley (paragraph 32 above refers). In relation to his note, “Xmas -> X 1/3 -> P”, Dr Black explained that this related to Kirk McCambley having until Christmas to pay back the money he had received and also a third of the business profits. Dr Black spoke of how Kirk McCambley had said that he intended to raise £40,000 by selling part of the Lock Keeper’s Inn business to Andrew Adair and that he had advised that this arrangement would be financed by Mr Adair’s father. *****

39. Dr Black described how he had called to Mrs Robinson’s house after the meeting on 18 December 2009. She had asked him earlier in the day if it would be in order for him to do so, to allow him to offer her his support.. Dr Black recounted that he had stayed with Mrs Robinson for approximately 20 minutes.
40. Referring to the entry for 22 December 2008 in the timeline document, Dr Black indicated how at that time Mrs Robinson had started giving him instructions regarding arrangements he should make for the repayment of the money by Kirk McCambley. He read from a transcript of a related text, in which

PROTECT – INVESTIGATION**Version 2 – amended 30.11.11**

Mrs Robinson had stated that a cheque for the money was to be made payable to the Light and Life Church.

41. Dr Black spoke of how he had later received further texts containing differing instructions for the repayment of the money. He referred to the timeline document entry for 24 December, describing how he received several texts that day from Mrs Robinson indicating to whom the money was to be repaid. In one text, sent at 16:29, Mrs Robinson had stated that the cheque was to be made payable to her and not the church. In a subsequent text, sent at 16:34, Mrs Robinson had referred to one cheque being made payable to her for “clearing [her] debts run up in helping [Kirk McCambley]” and to another for £25,000 being made payable to the church. Dr Black said he was by then unclear about the arrangements for the repayment of the money.
42. Mr Frawley asked Dr Black to confirm whether Mrs Robinson had been referring (in her texts) to two payments of £25,000, that is, a total amount of £50,000, even though other information indicated that she had already received £5,000 from Kirk McCambley. Dr Black confirmed that Mrs Robinson’s texts had referred to a total amount of £50,000.
43. Dr Black spoke of how he had been expecting to receive a cheque from Kirk McCambley that day (24 December 2008) but that he (Kirk McCambley) had instead given him a letter from his solicitor, Sam Beattie, which confirmed Mr Adair’s father’s agreement to provide £40,000 to finance Mr Adair’s purchase of a share in the Lock Keeper’s Inn business. Dr Black said he was unsure of the addressee of that letter but that he believed that it may have been addressed “to whom it may concern”. He explained that he had later gone to Ards Shopping Centre to meet with Mrs Robinson and Pat Herron and that he had urged Mrs Robinson, with Pat Herron present, to tell Peter Robinson about the money over the Christmas holidays during their planned trip to Florida.
44. Dr Black referred again to the timeline document, highlighting the entry for 27 December 2008. He read from a transcript of a related text he had received

PROTECT - INVESTIGATION

12

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

from Mrs Robinson. In the text, Mrs Robinson had referred to providing Dr Black with her bank manager's details so that he could arrange for a cheque to be directed to him (the bank manager). Dr Black said this demonstrated that he was still being asked to facilitate arrangements for the repayment of the money.

45. Mr Frawley asked Dr Black about his understanding of the basis of the payments from Fred Fraser and Ken Campbell. Dr Black described how he had telephoned Mr Fraser's accountant after Christmas. He said that the accountant had recalled Mr Fraser having written the cheque and that his (the accountant's) understanding had been that the money had been a gift to help someone in trouble and that he had not been expecting the money to be repaid.

Mrs Creighton commented that it should be possible to establish if the money had been recorded as a gift in the calculation of Mr Fraser's estate's inheritance tax liability. In relation to the payment from Ken Campbell, Dr Black advised that Mr Campbell and his wife, Ena, were part of the Robinsons' close social circle. His understanding was that Mr Campbell had given the money on the basis of "here you are, tell him to give it back when he can afford it". Dr Black spoke of how he was aware that Mr Campbell and Peter Robinson often met for breakfast on a Saturday morning. Dr Black said it had been his understanding that it had been intended, at one stage, that Peter Robinson would return Mr Campbell's money to him at one of those breakfast meetings.

46. Dr Black advised that Mr and Mrs Robinson had gone to Florida on 28 December 2008. ~~*****~~
~~*****~~
~~*****~~. Dr Black said he had telephoned Mrs Robinson that same day to remind and encourage her to speak to Peter Robinson about these matters.

47. Dr Black spoke about the entry for 30 December 2008 in his timeline document and read from a transcript of a text he had received that day from Mrs Robinson. In the text Mrs Robinson has stated that she would not be repaying loans.

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

48. Dr Black said that he had received other texts that same day (30 December 2008). One text had been from Pat Herron, providing the full title of the Light and Life Church account. Dr Black said he did not have a transcript of that particular text but he showed it to Mr Frawley still recorded on his mobile phone.

He had received another from Mrs Robinson at 23:38 on 30 December 2008, in which she had provided her bank manager's details, and had stated that he (the bank manager) would "know to expect a call" and that the payment could be left with him personally. On examining the timeline document and referring to the transcripts of texts, Dr Black confirmed that this text from Mrs Robinson had been recorded incorrectly in the timeline document as having been received on 31 December 2008.

49. Dr Black referred to the timeline document entry for 31 December 2008. He explained that he had sent two texts to Mrs Robinson that day. He read from a transcript of those texts. The first text advised that "the transaction" was not yet complete and asked whether the church should be so closely involved. The second text (sent to Ms Herron as well as Mrs Robinson, and which is not referred to in the timeline document) suggested that all the money should go back to Mrs Robinson and that she could then decide what was to be done with it.
50. Dr Black then spoke about the entry for 1 January 2009. He read from the transcript of a related text from Mrs Robinson. In the text, Mrs Robinson suggested that she would give Kirk McCambley "a gentle reminder of a few things he may wish to consider". She also stated in the same text that she could not see why all the money should go into her account when originally it was to go to the church.

PROTECT - INVESTIGATION

14

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

51. Dr Black said that Mrs Robinson had sent two further texts to him that day (1 January 2009). He read from transcripts of the texts. In the first of the texts, received in two parts at 12:56 and 13:08, Mrs Robinson had stated that she would be paying back all money to “Contributor A”. She had also stated that the money from “Contributor B” was not be paid pack but that she had intended to give £1,000 per month to the church, for a period of 20 months, as well as using it to clear debts she had incurred over the preceding year. Dr Black referred to the second of those texts (recorded in the timeline document as having been received on 1 January 2009 at 18:24), in which Mrs Robinson had referred to having decided with Mr Robinson that all the money was to go back to the rightful “sponsors”. She had also stated that she “had decided along with Peter to make a clean break”. (NB: Dr Black clarified subsequent to the meeting that this last text message was actually received at 18:24 on 6 January 2009)
52. Dr Black referred to having had “two or three” telephone conversations with Mrs Robinson between the texts sent on 1 January 2009. Dr Black said he was unable to recall the times of the telephone calls but that the details could be ascertained from O2 records. Dr Black stated that he could hear Peter Robinson in the background while Mrs Robinson had been speaking on the phone to him (Dr Black). He referred to having become aware from these various telephone conversations that Mrs Robinson had told Mr Robinson about the money.
53. Mr Frawley asked Dr Black how he could be certain that Peter Robinson had been in the background during those telephone conversations with Mrs Robinson. Dr Black referred to a discussion he had had with Peter Robinson on the evening of 2 March 2009 – ~~*****~~
~~*****~~. Dr Black said that during their discussion that evening, he and Mr Robinson had spoken about the transactions that were being arranged over the 2008/9 Christmas/New Year period and Mr Robinson referred to the telephone conversations that had taken place between Dr Black and Mrs Robinson at that time. Dr Black told Mr Frawley that Peter Robinson had referred to him (Dr Black) as “the fixer” and that he (Dr Black) had referred to having been aware that Mr Robinson had found out about the money.

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

54. Dr Black went on to state that on 4 March 2009 he had sent a text to Peter Robinson regarding evidence he (Dr Black) had obtained of the repayment of £40,000. Mr Robinson had texted a reply, also on 4 March 2009, to say that he would “get back to” Dr Black but he had not done so.
55. Mr Frawley asked Dr Black about the meaning of the word “intimates” in the entry for 1 January 2009 in his timeline document (the entry states, “IR intimates that PR will hand over the cheques to relevant parties”). Dr Black replied that Mrs Robinson had said during one of the telephone calls on or around 1 January 2009 that Peter Robinson was going to hand over a cheque to Ken Campbell.
56. Dr Black referred to having met with Kirk McCambley’s solicitor, Sam Beattie, on 6 January 2009 and to having obtained more clarity about the identity of the solicitors who were acting for the “donors”.
57. Dr Black spoke of a discussion he had on 13 January 2009 with a friend and advisor. That person, he said, had advised him to arrange “an exit strategy” from the Special Advisor role and they had talked about Easter 2009 being a good time for him to resign.
58. In referring to the entry for 14 January 2009 in his timeline document, Dr Black explained how he had received a text from Mrs Robinson, in which she had referred to Mr Robinson’s decision not to be involved in “handing over item”. Dr Black also described a text sent that same day to Mrs Robinson by her son, Gareth. That text, which Mrs Robinson had forwarded on to Dr Black, had referred to Andrew Adair’s name being added to the Lock Keeper’s Inn lease. In addition, Dr Black advised that he had received a further text from Mrs Robinson on 14 January 2009, in which she had asked him to forward the text to Kirk McCambley. That text, however, is not recorded in the timeline document.
59. Dr Black informed Mr Frawley that on 20 January 2009, Mrs Robinson had asked him to deliver individual gifts of sweatshirts to the staff of the Lock Keeper’s Inn,

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

which she had bought during her trip to Florida. He said this was an indication of her detailed knowledge of, and familiarity with, the staff who worked in the business.

60. Dr Black referred to the entry for 29 January 2009 in the timeline document. He spoke about a text that he had received from Mrs Robinson that day in which she had queried whether there was "closure yet with these Solicitors".

61.

62. ~~*****

*****~~

Dr Black informed Mr Frawley that he had arranged to meet Peter Robinson at the family home later that evening. At the meeting, he and Peter Robinson had had a long conversation. Dr Black said that their conversation confirmed to him that Peter Robinson had become aware of the financial arrangements that had supported the creation of the business and also the background to the repayment of the monies. He also said that Peter Robinson had told him to obtain evidence that the monies had been repaid. Dr Black also referred to having by then received a text from Mr McCambley about the repayment of the monies. That text is not referred to in the timeline document.

63. Dr Black advised Mr Frawley that on 4 March 2009, he met with Kirk McCambley to advise him about recent events. He described how Kirk McCambley had given him a letter from his solicitor, Sam Beattie, which confirmed that £40,000 had been repaid. Dr Black confirmed that one of the documents that the BBC had provided to Mr Frawley was a copy of the letter that had been given to him by Kirk McCambley. A copy of the letter is at Annex E. Dr Black advised that he

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

had sent a text to Peter Robinson to inform him that he had evidence of the repayment. Although Peter Robinson had replied to the text, stating that he would revert to Dr Black later on, Dr Black had received no further contact from Peter Robinson in relation to that matter.

64. Dr Black referred to the entry for 7 March 2009 in the timeline document. He read from the transcript of a text he received from Mrs Robinson on that date. The text thanked Dr Black for his support for Peter Robinson.
65. Dr Black spoke about a text he had received from Mrs Robinson on 12 March 2009. He said that in the text, Mrs Robinson had confirmed that Ken Campbell had received £20,000 and had enquired about the other £5,000. She had also referred to the outstanding £10,000. Dr Black said he continued to feel the very real pressure that was being put on him by the content of these types of texts.
66. Dr Black spoke about his resignation from the Special Advisor post on 25 June 2009. He gave Mr Frawley a copy of the resignation letter he sent to Mrs Robinson – attached at Annex F. Dr Black went on to describe how Peter Robinson and Mrs Robinson had asked him to return to the Special Advisor post and how they had told him that he would not be involved in any further personal business. He advised that he had returned to the post on 29 September 2009.
- 67.

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

68. Dr Black spoke of how he had been made aware on 21 October 2009 by Darragh McIntyre that Mrs Robinson had attended a meeting of Castlereagh Borough Council at which the Lock Keeper's Inn lease had been discussed. He said that until that time, he had been led to believe that Mrs Robinson had had no involvement in the Lock Keeper's Inn business at the Council.
69. Dr Black went on to talk about how he had reached the decision to speak to the BBC. He described how he sought the advice of a number of close friends and had also discussed his position with his wife.
70. Dr Black referred to the period just prior to the broadcasting of the Spotlight programme. He spoke of having received repeated calls from Peter Robinson over a two or three week period in December 2009, both early in the morning and late at night. He recalled receiving a telephone call around midnight from mutual acquaintances, Audrey and Ken Kerr. Audrey Kerr had spoken to Dr Black and had confirmed that Peter Robinson was with her and that he wished to speak to Dr Black urgently, but not about Mrs Robinson. Dr Black said he had replied that if the issue was urgent, he would take a call at 11.00am the following morning. Dr Black also spoke of having received a voicemail message from Tim Johnston (Special Advisor to Mr Robinson) in which Mr Johnston had referred to needing "to talk urgently about Iris". Dr Black said that these series of call and messages brought a new dimension to the pressure he was experiencing.
71. Mr Frawley pointed out that the Spotlight programme had alleged that Mrs Robinson had "used her influence" to help Ken Campbell during the summer of 2008, by lobbying on behalf of one of his building developments. Mr Frawley asked Dr Black if he had any knowledge of such activity. In response, Dr Black said that he would not speculate on that matter.

PROTECT – INVESTIGATION

Version 2 – amended 30.11.11

72. Mr Frawley concluded the meeting by thanking Dr Black and Mrs Creighton for their time. He thanked Dr Black for his comprehensive account of matters. Mr Frawley advised Dr Black that any further clarification or information he (Dr Black) required about the investigation process would be provided. Mr Frawley also confirmed that Mrs Anderson would liaise with Mrs Creighton to obtain the texts that had been identified during the meeting as relevant to the issues being investigated. Mr Frawley informed Dr Black that a note of the meeting would be forwarded to him so that he could comment on its factual accuracy and advise if there were any personal details, not pertinent to the investigation, which he would prefer not to have included. Finally, Mr Frawley stated that he hoped to be able to conclude his investigation by December 2011 but that if this was not possible, he would pass the information Dr Black had provided on to the new Commissioner for Standards.
73. The meeting ended at 4.30pm.

I agree that this note is a true and accurate account of my discussions with the Interim Commissioner for Standards, Mr Tom Frawley, on 22 September 2011, and that the information conveyed to the Interim Commissioner on that date is true to the best of my knowledge and belief. I am aware that this information may be used in any proceedings by the Assembly.

Signed: _____

Dr Selwyn Black

Date: 20 Dec 11

ANNEX A

CONTENTS

Investigation Terms of Reference	Tab A
Investigation Process	Tab B
Committee's Consideration of the Investigation Report	Tab C
Northern Ireland Assembly Standing Orders	Tab D
Northern Ireland Assembly Code of Conduct and Guide to the Rules Relating to the Conduct of Members	Tab E

Tabs A-E not copied

Annex B

STRICTLY PRIVATE AND CONFIDENTIAL

Timeline: Dr Selwyn Black – 2008-2009 Senior Advisor to Iris Robinson MP MLA		
Date	Event	Commentary
29 Jan 2008	Start date of employment at Stormont.	Shared post - Agreement: 1 day per week – Tuesdays.
[REDACTED]	[REDACTED]	[REDACTED]
26 Feb 2008	[REDACTED]	[REDACTED]
Mar – Jun 2008	[REDACTED]	SB carries work of both roles at IR's Stormont office.
17 Apr 2008	Peter Robinson (PR) nominated Leader DUP. IR to become 1 st lady.	
13 May 2008	[REDACTED]	SB takes KMcC for a walk over farmland at Greengraves Road, Dundonald.
27 May 2008	IR arranges a visit to Avalon Guitars and invites KMcC.	[REDACTED]
5 Jun 2008	PR designated 1 st Minister.	
6 Jun 2008	IR makes remarks about gay people on Nolan Show.	
[REDACTED]	[REDACTED]	[REDACTED]
21 Jul 2008	[REDACTED]	[REDACTED]

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making
Process

STRICTLY PRIVATE AND CONFIDENTIAL

5 Oct 2008	[REDACTED]	[REDACTED]
15 Oct 2008	[REDACTED] indication of IR being involved in preparation of cafe.	[REDACTED] indicates that she wants to be involved in interior design and decoration of cafe.
18 Nov 2008	[REDACTED]	[REDACTED]
20 Nov 2008	[REDACTED]	[REDACTED]
22 Nov 2008	First mention of £45k.	First indication that there has been an investment in KMcC's cafe – Lock Keeper's Inn.
24 Nov 2008	[REDACTED]	[REDACTED]
27 Nov 2008	[REDACTED]	[REDACTED]
2 Dec 2008	[REDACTED]	[REDACTED]
15 Dec 2008	[REDACTED]	[REDACTED]
16 Dec 2008	[REDACTED]	[REDACTED]
18 Dec 2008	Meeting at RLA Group, Elmwood Exchange, 90 Lisburn Road – facility arranged through [REDACTED] and [REDACTED]	[REDACTED]. The detail of the monies becomes apparent. Monies - £50k in total obtained from donors

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

22 Dec 2008	Instruction from IR around whom money is to be paid.	- Fred Fraser (FF) and Ken Campbell (KC). Money to go back to IR. AA to be brought into business. IR instructs cheque to be made to Light and Life Free Methodist Church Dundonald.
24 Dec 2008	Further instructions as to whom money is to be paid. KMcC forwards solicitor's letter of agreement to IR to demonstrate that the purchase of half of the business is in process.	IR to get £25k. Church is to get £25k. Instructions unclear. KMcC obtains a solicitor's letter to indicate how he is to obtain £40k from AA through his father's (Robert) loan. SB meets with IR and PH in Ards Shopping Centre to pass on solicitor's letter. SB encourages IR to speak with PR when she is on holiday post-Christmas at their Florida home.
27 Dec 2008	Request to have KMcC's first cheque directed to IR's bank manager.	[REDACTED]
30 Dec 2008	IR declares she will not be paying back 'loans' on KMcC's behalf.	[REDACTED]
30 Dec 2008	PH forwards instruction as to title of Church Account.	'Dundonald Free Methodist Church'.
31 Dec 2008	Arrangement set up by IR for money to directly to IR's bank manager	Details of IR's bank manager forwarded with the intention of monies going to her personal account.
31 Dec 2008	SB exhorts IR and PH to re-consider destinations of payments.	[REDACTED]
1 Jan 2009	IR wants to ring KMcC to 'give him a gentle reminder' him.	IR is looking for KMcC's 'phone number from SB. SB is concerned by the tone being used by IR.
1 Jan 2009	The rationale changes for the payment of monies - 50% of monies going back to Contributor A (Ken Campbell); 25% going to Church (Light and Life) at £1k per month, the rest to clear 'the massive debt incurred by me over past year'.	The character of the monies has changed since 24 Dec 2008.

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

1 Jan 2009	Indications from IR that both IR and PR have decided that all monies go back to 'sponsors'.	Following disclosure to PR the intention is now to pay all monies to original donors. SB has heard PR indicating to IR what needs to be done during phone call from Florida. IR intimates that PR will hand over cheques to relevant parties.
6 Jan 2009	SB meets with KMcC's solicitor Sam Beattie of FJ Orr to ensure that process is progressing especially since SB now knows that PR has become involved. More clarity around which solicitors represent donors. Phone FF's accountant to ascertain amount and to whom cheque should be paid.	Sam Beattie warns of implication of monies moving around various parties. FF's accountant remembers transaction and says that money was given as a gift. He did not expect it back to the estate.
13 Jan 2009	SB meets with [redacted] to discuss circumstances of past month. SB indicates that he believes that his role is being compromised by both IR and PR. He also believes that his professionalism is being abused.	SB wants to arrange exit strategies that will draw least attention to him whilst at the same time being honourable to his employer.
14 Jan 2009	The plan has changed again. Following conversation with Sam Beattie SB has advised that solicitors should handle monies. PR has decided not to be involved in handing over cheque to KC. This is communicated by text from IR.	It seems that PR has realised the folly of being involved in the handling of monies in relation to his position. This is evidenced by IR's text and by the reported conversation from 1 Jan 2009.
14 Jan 2009	A request has been presented to Castlereagh Borough Council to include AA on lease. This is instigated by Sam Beattie, KMcC's solicitor.	[redacted]
20 Jan 2009	SB instructed to deliver presents to the staff of the Lock	This indicates the degree to which IR was involved in

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

	Keeper's Inn brought back from Florida.	the business of the cafe -- specifically her knowledge of staff.
29 Jan 2009	IR pressurising SB to ensure solicitors have completed business.	IR looking for closure as soon as possible.
29 Jan 2009	An article is produced for the Belfast Telegraph on the communication/press officers.	There is evidence to suggest that the single most important issue that IR has championed is being suppressed by the DUP.
2-6 Feb 2009	IR, upon the research of SB and JB, has directly challenged the Health Minister, Michael McGimpsey about misleading the House around the case. The Minister is interrogated in front of the health Committee. IR describes this event as her best day in politics in 20 years.	Concerns here that what IR is producing in the public arena is being suppressed. SB's concerns exacerbated by the specific actions of individuals who held sway with what was published and what was held back.
26 Feb 2009	IR is trying to persuade SB to go with her to Chicago in support of case.	SB invited to liaise with Dr Nordli's office in Chicago.
26 Feb 2009		
27 Feb 2009	SB communicates his concerns about going to Chicago. IR responds that she understands.	

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	SB visits KMcC with the purpose of informing him of happenings of recent days, warning him to keep 'below the radar' and requests evidence that money has transferred to donors' accounts. KMcC gives SB a letter from his solicitor stating that £40k has been transferred to donors' accounts.	4 Mar 2009
[REDACTED]	SB texts PR checking out liberty options in view of IR's circumstances and informs PR that SB has necessary evidence proving transfers have taken place.	4 Mar 2009
[REDACTED]	IR thanks SB for being there for PR. She indicates that it is 'up to PR and closing the matter with KMcC'.	7 Mar 2009
[REDACTED]	IR invites SB to lunch and explains happenings of recent days.	10 Mar 2009
[REDACTED]	PR receives and acknowledges text and states that he will revert to SB. This does not happen and letter remains in SB's possession until Nov 2009.	
[REDACTED]	PR has stated in the media (2010) that he has had no contact with SB and doesn't know who he is. IR states the contrary.	
[REDACTED]	[REDACTED]	[REDACTED]

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

[REDACTED]	[REDACTED]	[REDACTED]
12 Mar 2009	IR confirms that KC has been paid £20k but has written to FG Orr solicitors looking for other £5k. Pressure put on SB to hasten other £10k.	[REDACTED] there is relentless pressure on SB to ensure payments have been made. It is evident the matter continues to be discussed between IR and PR.
20 Mar 2009	IR asking SB to manage who knows about recent history.	[REDACTED]
25 Jun 2009	PR announces changes in Chairs of Committees. IR is stood down from being Chair of the Health Committee. SB takes opportunity to tender his resignation as advisor to Chair. IR 'devastated'.	[REDACTED] IR speaks with SB by phone and discusses resignation. [REDACTED]
26 Jun 2009	SB meets [REDACTED] and discusses issues of concern around what he is witnessing at Stormont.	SB had known [REDACTED] as a friend through University of Ulster for some years. [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>25-26 Jul, 15 Sept 2009</p>	<p>SB asks PR and IR to see if they can hasten visas through government sources for Ugandan 'Fields of Life' choir being sponsored by churches in NI.</p>	<p>Visas are hastened through. SB accompanies choir to Stormont. IR and PR persuading SB to think about returning to post. Assurances are given that SB will not be involved in any further personal matters.</p>
<p>25 Sept 2009</p>	<p>SB meets again with SB remains concerned about matter of Lock Keeper's Inn in relation to conflict of interest with Castlereagh Borough Council.</p>	<p>SB wants to ensure that he will not be compromised by going back into post.</p>
<p>29 Sept 2009</p>	<p>SB returns to post at Stormont.</p>	<p>The primary motivation is to drive through two cases in which SB has been involved. SB has enjoyed the policy/political advisory role. A secondary motivation is that if there are further difficulties it is better to be close to the source of information rather than out in the cold.</p>
<p>20 Oct 2009</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

21 Oct 2009	informs SB that IR was at Castlereagh Borough Council the night the Lock Keeper's Inn was discussed. The Council minutes show this to be the case.	SB feels totally compromised by this news. It had always been conveyed to SB that IR (and GR) had no involvement in administratively influencing the business of the Lock Keeper's Inn. SB feels that he will now be made the 'scapegoat' if this information becomes public. SB is aware that IR's attendance at Castlereagh Borough Council has ordinarily been poor. SB very concerned about this incident because of the information contained in his 'phone.
28 Oct 2009	SB's mobile 'phone 'taken' whilst at lunch at RGB restaurant in Belfast. 'Phone handed back to SB at another location by people who SB has never met.	PCW inform SB that he has not broken the law. They express grave misgivings about the activities of the 'anonymous' public representatives SB has identified as being associated with these activities.
30 Oct 2009	SB contacts Public Concern at Work about implications of disclosing 'conflicts of interest' of PR and IR in the public domain.	SB discovers there are no obvious routes that an advisor can take when finding themselves compromised by their employer – a member of the Northern Ireland Assembly. The only suggest route is to the NI Assembly Commission chaired by the Speaker – William Hay MLA – DUP member and answerable to his party leader and 1 st Minister. SB finds this an impossible solution.
3, 5, 10, 12 Nov 2009	SB steps back from Stormont office and being involved in office duties.	SB makes copy of iPhone and leaves copy in a location in England. SB communicates decision to BBC to fully engage with them. SB is comforted by the knowledge that they will not broadcast anything that they cannot stand over legally.
10-11 Nov	SB at son's graduation in Sheffield. SB contemplates options open to him. Upon return on 11 Nov SB meets a close friend, † and shares his dilemma. DB consults two close personal friends – † and †.	

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

STRICTLY PRIVATE AND CONFIDENTIAL

	ends biblical text as encouragement – 1 Samuel 2:30 - and advises 'go with the BBC'.	
14-15 Nov 2009	SB spends weekend with Darragh McIntyre of BBC recording interviews for Spotlight investigation.	This is the first time SB has had the time and opportunity to reflect upon the text conversations – and the significance of all the events together.
16 Nov 2009	SB submits final resignation. Characteristic impetuous response of irritation and annoyance from IR followed by genuine thanks for services rendered.	This covers period of SB's daughter's wedding and allows for agreed time with BBC for SB to submit resignation.
7-8 Dec 2009	SB turns down many calls from PR and his staff. PR rings at all times of day and night. He uses friends to ring SB late at night. PR's staff follow SB around the city in Belfast.	This allows the BBC a window to consider broadcasting before or after Christmas.
14-23 Dec 2009	Spotlight is broadcast.	SB resists attempts to contact him. SB turns his phone off and uses other forms of communication.
7 Jan 2010		

STRICTLY PRIVATE AND CONFIDENTIAL

Key: Significant days; IR's evidence; PR's evidence; Family evidence; SB's evidence.

Decision making process

ANNEX C

PRIVATE AND CONFIDENTIAL

23 September 2008

Alderman Iris Robinson MP MLA

Mr Kirk McCamley
Proprietor
Lock Keeper's Inn
117 Milltown Road
Belfast
BT8 7XP

Thank you for your kind promise and verbal agreement that you will commit either monthly or annually (to be agreed) one third of the profits of your new business, 'The Lock Keeper's Inn' at 117 Milltown Road, Belfast, to the Light and Life Free Methodist Tabernacle, 31 Gransha Road, Belfast. Thank you too for your very generous agreement that you will apply the same agreement should you open further similar businesses. I am personally very pleased that you have made this commitment and wish you God's richest blessings in the stewardship of His resources.

May I suggest the following:

- i. That you consult with your accountant in order to explore how both your business and the church might maximise the tax benefits associated with this agreement.
- ii. That regular payments for the church are made to:
Pastor Pat Herron, 10 Fort Hill, Fort Road, Dundonald, Belfast BT16 1RX
- iii. That audited accounts are confidentially made available to a nominated person from the church on an annual basis.
- iv. That monies should be forwarded to the following account:
Account Number: *********
Northern Bank, 520 Upper Newtownards Road, Belfast BT4 3HD

The gift of these monies will be used for the glory of God through the ministry of the church to reach those with great needs in our community in the name and love of Jesus Christ. I have no doubt that God will honour you for your faithfulness. It is my sincere prayer that you will remain faithful in service for our Saviour. I wish you God's blessing and guidance in your new business venture.

God bless.

Yours sincerely,

Iris Robinson MP MLA

Cc: Pastor Pat Herron
Treasurer, The Light and Life Tabernacle, Belfast

1 |

PRIVATE AND CONFIDENTIAL

ANNEX D

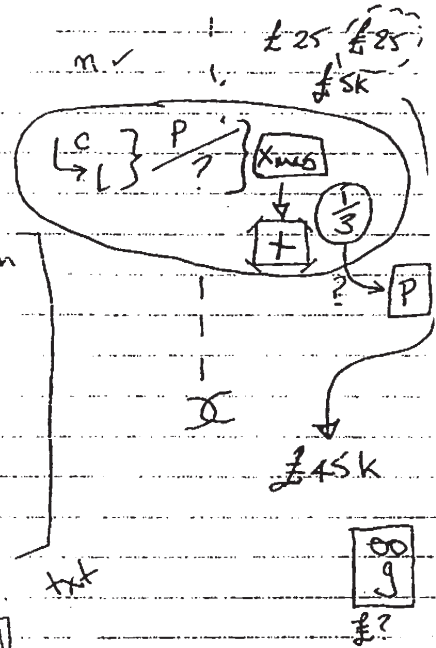
18 Dec 08

KARC

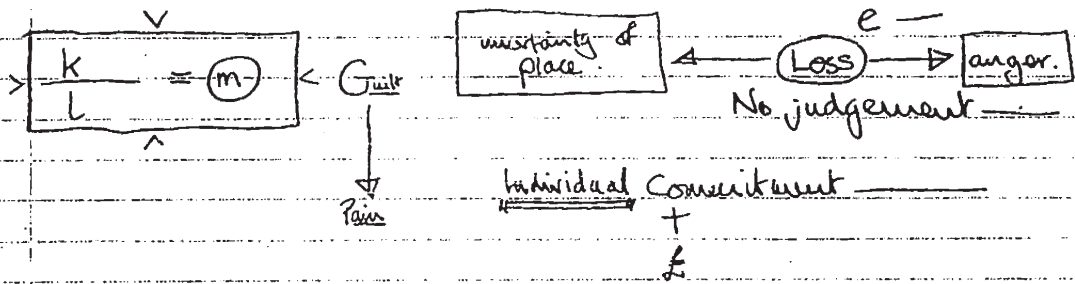
IR

- 1. Regularising — ✓
- relationships — ✓
- financial — ✓

- 2. Damage limitation — cost/pain
- Self
- family / f (h)
- Others



3. Cannot continue — put behind —>



X

(Ext)

WINEY E
ORR & CO
SOLICITORS

(INCORPORATING WILLIAM ANDERSON & BURNS)

14, Montgomery Street,
Belfast, BT1 4QT
DX 458 NR BELFAST

T 028 9023 0101
F 028 9023 3021
E orrandco@btconnect.com

OUR REF. SMB/P/G

YOUR REF.

and Mark
26th February 2009

Dear Kirk,

RE: YOU -and- FRED FRASER, DECEASED/KEN CAMPBELL

I would confirm having forwarded a cheque for £20,000.00 to each of the aforesaid in part repayment of your borrowing. I look forward to receiving the balance due as soon as possible.

Yours sincerely,

Mr K. McCambley

SAMUEL M. BEATTIE LL.B.

F. R. GORDON McCONNELL LL.B.

JOANNE M. BEATTIE LL.B.

SYDNEY DROYN LL.B.

ANNEX F

December 2009

Alderman Iris Robinson MP MLA
Room 218
Northern Ireland Assembly
Parliament Buildings
Belfast
BT4 3XX

It is with regret that I hereby tender my resignation as your Advisor with immediate effect. I have made this decision after thorough deliberation. You will know that I have been considering other opportunities that have recently been made available to me. For both professional and family reasons I find myself in the position that it is prudent for me to engage with these opportunities in securing mine and their futures.

Thank you for the opportunity that you have given me to make a contribution in shaping and improving health matters for the people of Northern Ireland. My role afforded me a highly privileged insight into health service provision through the Department of Health, Social Services and Public Safety and the machinery of government in the Northern Ireland Assembly. For this, and the many good memories of working at Stormont, I am very grateful.

Yours sincerely,

Dr W R Selwyn Black

ANNEX G

Annex H

Transcript of Liam Clarke's interview with Peter Robinson from the Sunday Times – 17 January 2010

Document redacted by Committee.

ANNEX I



Room 218
Northern Ireland Assembly
Parliament Buildings
Belfast
BT4 3XX

June 2009

Alderman Iris Robinson MP MLA
Chairperson of the Health, Social Services and Public Safety Committee

It is now some 18 months since I took up the appointment as your Senior Advisor on health issues in your capacity as Chair of the Health, Social Services and Public Safety Committee. I have thoroughly enjoyed the role I have played in writing, researching, advising and representing you on some of the most challenging and important issues that face our society in Northern Ireland. It has been my privilege to work for and with you. Perhaps the most memorable moment was the day you returned to the office and declared, "This has been one of the best days I have had in 20 years of political life". It indicated to me that I had some measure of success in supporting you in this role.

Today, as a result of the change in the committee chairs I find myself no longer in the position of advising the Chair. It is therefore with some measure of regret that I must offer my resignation to you in representing you in that role. My understanding is that my tenure will cease from Monday 6 July 2009.

Yours sincerely,

Dr W R Selwyn Black BEd DipTh MSc PhD MBACP
Senior Advisor to the Chairperson of the Health, Social Services and Public Safety
Committee
Alderman Iris Robinson MP MLA

STRICTLY PRIVATE AND CONFIDENTIAL

16

Statement of Clarification to the Note of Meeting between Mr Tom Frawley and Dr Selwyn Black held on 22 September 2011

The purpose of this statement is to clarify issues raised by me in the meeting with Mr Tom Frawley on 22 September 2011. I intend to refer to the paragraphs in the Note of the Meeting from 22 September 2011 in the same numerical order in which they are represented in the agreed record of that Note.

Statement of Clarification to the Note of Meeting between Dr Tom Frawley and Dr Selwyn Black held on 22 September 2011 – Submitted 19 December 2011	
Paragraph	Clarification of the Note of the Meeting
23	***** *****
26	***** ***** *****
27	I was aware that Mrs Robinson was disappointed when Kirk McCambley had chosen to undertake the project (of getting the business established) without her input.
28	I recall believing at that time that Mrs Robinson’s identification of this opportunity was fulfilling the obligation she had made to ***** , Kirk’s father, to look after Kirk McCambley.
35	***** ***** *****
39	It was at this meeting the detail of how Mrs Robinson believed she had been helping Kirk McCambley was explained – specifically in relation to the acquiring of funds.
48	Mrs Robinson had sent this text to me on the 30 December 2008 but because of the lateness of the hour I had only opened the text on 31 December 2008.
49	The point here is that I was suggesting that Mrs Robinson take responsibility for making the decision as to where the money should go.
50	It appeared to me that Mrs Robinson believed that Kirk McCambley would delay unnecessarily in making the repayment.
52	I recall that in one conversation in particular that Mr Robinson prompts Mrs Robinson that the sponsors should be paid back through the solicitors.
53	I recall that in the conversation with Mr Robinson on the 2 March 2009 that he confirmed his presence during those telephone conversations (between Mrs Robinson and myself over the Christmas/New Year period of 2008/2009) and his knowledge of the content. His presence and the content of the conversations is confirmed by his own record in the Liam Clarke interview in the Sunday Times of 17 January 2010 (A copy of the transcript of the interview is attached at Annex H). Mr Robinson described me as “the fixer” and I believe this reference related to what Mr Robinson had become aware of as a result of those conversations and the steps that I was taking.
56	This meeting took place to allow me to be reassured that Kirk McCambley was taking

STRICTLY PRIVATE AND CONFIDENTIAL

	the necessary steps to have the monies repaid. I felt the need to gain this reassurance given the pressure that was being brought upon me directly by Mrs Robinson and indirectly by the knowledge that Mr Robinson was now party to these discussions. A text that I received the same day at 18.24 where Mrs Robinson enquires whether Kirk McCambley was aware that monies were going back to the rightful sponsors - illustrates the degree of the additional pressure upon me at that time given that Mr Robinson was now also involved in the discussions. Mrs Robinson referred in the text to having decided along with Mr Robinson to make a clean break and to give the monies to the sponsors instead.
58	I interpreted from Mrs Robinson's reporting of Mr Robinson's decision not to be involved in the process of "handing over item" that whilst Mr Robinson may have previously considered handing back monies to the sponsor(s) he had decided no longer to be involved.
61	The text concerned paperwork from the bank surrounding what I believed to be the lease agreement for the business vehicle of the Lock Keeper's Inn. The text requested my intervention to give Kirk McCambley's mobile number to the First Trust Bank.
62	I received a text from Kirk McCambley and his intention was in sending it to allow me to reassure Mr Robinson that the monies had been repaid.
66	The document referred to as Annex F in the Note of Meeting is in fact the resignation letter from December 2009 when I withdrew completely from the employ of Mrs Robinson by way of final resignation. I am attaching hereto at Annex I a copy of the resignation letter dated June 2009. My final resignation is referred to in my Timeline document and for the avoidance of any doubt, the letter at Annex F relates to that resignation.

Signed:

Dr Selwyn Black

Date: 20 Dec 11

17

PROTECT INVESTIGATION

NOTE OF MEETING WITH DR SELWYN BLACK ON 22 SEPTEMBER 2011
 - Response to Dr Black's suggested amendments of 11 November 2011

Paragraph	Amendment suggested by Dr Black	Interim Commissioner's Comments
23	Delete "this had been the first time"	To be retained in note of meeting – contemporaneous notes show this was stated at meeting.
23	***** ***** *****	Not to be added to note of meeting – no record of this having been stated at meeting.
26	***** ***** ***** *****	Not to be added to note of meeting – no record of this having been stated at meeting.
27	Delete "had been using Mrs Robinson to help him... his instinct had been to protect Mrs Robinson."	To be retained in note of meeting – contemporaneous notes show this was stated at meeting.
27	Insert "but was disappointed when Kirk McCambley had chosen to undertake the project without her input"	Not to be added to note of meeting – no record of this having been stated at meeting.
28	Delete "He expressed the view that Mrs Robinson wanted very much to be involved with the project"	To be retained in note of meeting – contemporaneous notes show this was stated at meeting.
28	Insert "He can recall believing that through the identification of this opportunity that Mrs Robinson was fulfilling the obligation to look after Kirk McCambley..."	Not to be added to note of meeting - no record of this having been stated at meeting.
32	Change "the business" to "Kirk McCambley"	Original wording to be retained in note of meeting - contemporaneous notes show this was stated at meeting.

PROTECT INVESTIGATION

34	Delete <i>"Dr Black described this as 'tangible evidence' that Mrs Robinson was 'intricately linked with the business'"</i>	To be retained in note of meeting - contemporaneous notes show this was stated at meeting.
35	Change <i>"regularise"</i> to <i>"clarify"</i>	Original wording to be retained in note of meeting - contemporaneous notes show this was stated at meeting.
35	***** ***** ***** ***** ***** *****	Not to be added to note of meeting- no record of this having been stated at meeting.
39	Insert <i>"At that meeting the detail of how Mrs Robinson believed she had been helping Kirk McCambley was explained - specifically in relation to the acquiring of funds"</i>	Not to be added to note of meeting - no record of having been stated at meeting.
47	Delete <i>"Dr Black said he considered that the text showed that Mrs Robinson intended keeping the money for her own needs"</i>	To be retained in note of meeting - contemporaneous notes show this was stated at meeting.
48	Delete <i>"recorded incorrectly in the timeline document"</i>	To be retained in note of meeting in order to explain entry in timeline document to text having been received on 31 December 2008.
48	Insert <i>"sent to Dr Black on 30 December 2008 but because of lateness of the hour had only been opened by Dr Black"</i>	Not to be added to note - no record of this having been stated at meeting.
49	Change <i>"should"</i> to <i>"could"</i>	Original wording to be retained pending clarification of wording of related text.

PROTECT INVESTIGATION

51	Change "two further texts" to "a further text"	Original wording to be retained in note of meeting - the timeline referred to at meeting reflects that <u>three</u> texts from Mrs Robinson were received on 1.1.09, although text transcripts shows one was actually received on 6.1.09.
52	Insert "In one conversation in particular Dr Black recalls that Mr Robinson prompts Mrs Robinson that that sponsors should be paid back through solicitors"	Not to be added to note of meeting – no record of this having been stated at meeting.
53	Insert "in the conversation on 2 March 2009 had confirmed his presence while those conversations had been taking place and his knowledge of the content. Mr Robinson also"	Not to be added to note of meeting – no record of this having been stated at meeting.
53	Delete "that he (Dr Black) had referred to having been aware that Mr Robinson had found out about the money"	To be retained in note of meeting - contemporaneous notes show this was stated at meeting.
53	Insert "this reference related to what Mr Robinson had become aware of as a result of those telephone conversations and the steps that Dr Black was taking"	Not to be added to note of meeting – no record of this having been stated at meeting.
56	Delete "and to having obtained more clarity about the identity of the solicitors who were acting for the 'donors'"	To be retained in note of meeting - contemporaneous notes show this was stated at meeting.
56	Insert "This meeting took place to allow Dr Black to be reassured ...knowledge that Mr Robinson was now party to these discussions"	Not to be added to note of meeting – no record of this having been stated at meeting.

PROTECT INVESTIGATION

PROTECT INVESTIGATION

56	Insert <i>"Dr Black referred to a text received that same day at 18:24 ... to give all the monies to the sponsors instead of the church"</i>	Not to be added to note of meeting in this paragraph – the text sent on 6.1.09 was referred to at meeting as having been received on <u>1.1.09</u> and is therefore referred to in paragraph 51.
58	Insert <i>"Dr Black interpreted from this that whilst Mr Robinson may previously have considered handing back monies to the sponsor(s) he had decided no longer to be involved"</i>	Not to be added to note of meeting – no record of this having been stated at meeting.
58	Delete <i>"In addition, Dr Black advised that he had received a further text from Mrs Robinson on 14 January 2009. That text, however, is not recorded in the timeline document"</i>	To be retained in note of meeting - contemporaneous notes show this text was referred to at meeting.
61	Change <i>"a default on a car lease and in it Mrs Robinson had asked that Dr Black address that issue with the bank"</i> to <i>"paperwork from the bank surrounding what Dr Black believed to be the lease agreement for the business vehicle of the Lock Keeper's Inn...give Kirk McCambley's number to the First Trust Bank"</i>	Original wording to be retained in note of meeting pending clarification of wording of related text.
62	Insert <i>"by way of reassurance to Mr Peter Robinson"</i>	Not to be added to note of meeting - no record of this having been stated at meeting.
62	Delete <i>"That text is not referred to in the timeline document"</i>	To be retained in note of meeting pending clarification of whether text is referred to in timeline document.



Northern Ireland
Assembly

18

**Note of meeting with Seamus Magee, Head of Office Northern
Ireland, Electoral Commission**

Electoral Commission Office, Belfast

6 December 2012

Start: 12.10pm

End: 1pm

The nature of the investigation and the process being followed were explained to Mr Magee. He was reminded that disclosing anything said at the meeting or giving false or misleading answers would constitute a criminal offence.

Mr Magee stated that he was the Head of Office Northern Ireland for the Electoral Commission and that he had held that post since 1 November 2001.

He was aware of the allegations made in the BBC Spotlight Programme and in particular the assertions that Mrs Iris Robinson had failed in her duty to report to the Electoral Commission either of the two payments of £25,000 made by property developers or the payment of £5,000 in cash made to her by Kirk McCambly. He was also aware of the allegation in the programme that Mr Peter Robinson had failed in his duty to report to the Electoral Commission any of the three payments as soon as he had become aware of them. He was aware that at the relevant dates Mrs Robinson was an MP, an MLA and a Councillor and that Mr Robinson was an MLA.

Mr Magee explained that under Schedule 7 of the Political Parties, Elections and Referendums Act 2000 (PPERA) there were controls on donations to, inter alia, the holders of relevant elective offices. By virtue of paragraph 1(8) of that Schedule MPs, MLAs and Members of district councils in Northern Ireland were all holders of a relevant elective office.

Whilst the provisions were complex the summary position was that in 2008 and 2009 a regulated donee was under a duty to report to the Electoral Commission any controlled donation in excess of £1000.

Paragraph 1(3) of Schedule 7 provides that a 'Controlled donation' -

(a).....

(b).....

(c) *in relation to the holder of the relevant elected office means a donation received by that person which is -*

(i) *offered to him, or*

(ii) *where it has been accepted*

retained by him for his use or benefit (as the holder of such an office) in connection with any of his political activities.'

By virtue of paragraph 12(1) of Schedule 7 it was an offence for a regulated donee to fail to report to the Commission a controlled donation within 30 days of accepting a permissible donor or returning an impermissible donation.

Following the broadcasting of the Spotlight programme the Electoral Commission considered whether it was appropriate to begin an investigation into the allegations of failure to report donations to it.

Mr Magee confirmed that neither Mrs Iris Robinson nor Mr Peter Robinson did in fact report any of these three 'donations'. However, having carried out an assessment of the allegations made in the programme it was decided that there was insufficient evidence of a breach of PPERA to justify the commencement of an investigation.

In the case of Mrs Iris Robinson that was because there was no evidence broadcast that she had ever received either of the two sums of £25,000. Even had there been such evidence there was no evidence that the monies had been received by her 'in connection with any of (her) political activities'. Indeed the evidence in the broadcast suggested that she had merely facilitated the payments of £25,000 to Kirk McCambly and had never received the money herself. As regards the £5,000 the evidence in the broadcast suggested that this was paid to Mrs Robinson by Mr McCambly for work done in setting up his business including arranging the finance for him and that it had nothing at all to do with any of her political activities.

In relation to Mr Peter Robinson there was simply no evidence in the broadcast that he had received any monies.

It was, accordingly, concluded that no investigation in to these allegation should be instituted but that if further evidence became available the decision would be reviewed. No such further evidence has been brought to the attention of the Commission. It is the view of the Commission that there is no evidence to suggest any contravention of the provisions of the Political Parties, Elections and Referendums Act by Mr Peter Robinson or Mrs Iris Robinson as was alleged in the Spotlight programme

Mr Magee observed that no one from the BBC asked the Electoral Commission for advice on the duty to report donations either before or since the programme was broadcast.

19

Note of Meeting 25 May 2011

Mr Frawley and Mr MacQuarrie met D Chief Supt McComb to clarify the position on the PSNI investigation in the Robinson case.

Mr Mc Comb explained that the terms of reference for the investigation had covered the issues raised in the Spotlight programme. They did not confine the investigation to the actions of Mrs Robinson but extended to any other person which included Mr Robinson.

It had become clear from fairly early in the investigation that there was no evidence of wrongdoing against Mr Robinson. At the conclusion of the investigation there was not a basis to proceed against Mrs Robinson. The information elicited by the police indicated that the evidence underpinning the issues raised was not as robust or clear cut as might have been inferred from the programme.

Mr Black remained in Northern Ireland though Mr McCambley had left. The PSNI had contact details for him.

Mr McComb understood that publication of the Castlereagh Council report was imminent.

J.MacQ

20

BBC Report 11 March 2011

Document redacted by Committee.

21

Letter McBurney:Bain 28 October 2013

Document redacted by Committee.



Northern Ireland
Assembly

22

COMMITTEE ON STANDARDS AND PRIVILEGES

Room 254
Parliament Buildings
Stormont
Belfast
BT4 3XX

Tel: 028 9052 0333
Email: paul.gill@niassembly.gov.uk

19th September 2013

Mr Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards
Room 283
Parliament Buildings
Stormont
Belfast
BT4 3XX

Dear Douglas

I write to confirm that at its meeting on 18th September 2013 the Committee on Standards and Privileges noted that you had sought clarification from me in relation to your discretion to withhold information that has become available to you in your role as Commissioner from the Committee, where you believe that it is appropriate to do so.

The Committee confirmed that it remains its position that, where necessary or appropriate, the Commissioner may redact confidential or personal information in order to protect privacy, as long as the public interest in knowing how a conclusion has been reached is not compromised.

Yours sincerely

Paul Gill
Clerk of Standards

23

Letter McBurney:Bain 13 February 2014

Document redacted by Committee.



Northern Ireland
Assembly

Appendix 2

Other evidence considered by the Committee

Clerk of Standards
Committee on Standards and Privileges
Room 254
Parliament Buildings
Stormont
Belfast
BT4 3XX
1st August 2014

Dear Mr Gill

I am in receipt of the Final Report from The Assembly Commissioner and your correspondence, both of which relate to the unfounded allegations made against me in the BBC Spotlight Programme of 7 January 2010. It is no surprise that the conclusion of the Commissioner's investigation demonstrably clears me of the BBC's scurrilous claims of acting improperly and being in breach of the Code of Conduct. The Commissioner's finding is consistent with the conclusions of all the other investigations, inspections, opinions and findings from other independent bodies and examiners – some of whom determined that there was not even a *prima facie* case to justify investigation.

I need say no more on my own behalf. I simply now await and require an unconditional and fulsome apology from the BBC.

However, in your letter you did also indicate that I could comment on any matter contained within the Report so I am sure you will understand why I am taking this liberty, as I feel compelled to refer to the findings and conclusion as they refer to my wife.

You will be aware that while I have represented myself in these proceedings, John McBurney LL.B our family Solicitor represents Iris. I expect that Mr McBurney shall correspond with the Committee as her legal representative but in view of the way Iris has been treated by, and in, the press I want, to express my view on some matters as her husband.

I have a perspective of these matters that is unique and allows me, though it has caused me profound pain, to understand the uncharacteristic behaviour that attended this period in Iris's life.

Iris has struggled, for the most part successfully, with mental health issues. The only lesson the report on Iris conveys is the sad, tragic and self-destructive behaviour of someone who was mentally ill and who, during such a period, acted entirely out of character. Quite why the media, given the circumstances, should think it appropriate to continue with this witch-hunt is something they must justify with their own consciences. The consequences that unquestionably will flow from further relentless, cruel and gratuitous regurgitation of sensationalised stories will once again harmfully effect Iris's health. The pursuit of someone who has been hospitalised for over a year for mental health reasons is nothing other than a mark of maliciousness. Iris has paid a price few others have faced and her desire to get on with what remains of her life fuelled her acceptance of the Report's findings and its conclusion in order to bring this ordeal to a close. The truth that some dare not face is that the circumstances outlined in this Report are directly connected to the fact that she was suffering from mental health illness. They dare not embrace this glaring reality because to do so would reveal the dark and brutal nature of the persecution of Iris in which they have been involved.

The technicality upon which she was found to be in breach speaks volumes. The sole breach of the Member's Code of Conduct relates to her failure to register an interest that the Commissioner, himself, acknowledges was not because he found any evidence that it was connected with her role as an MLA but rather because some members of the public might believe it was.

I contend that the investigation, as it related to Iris, was unnecessary and should have ceased when Iris resigned as an MLA. It was without purpose as the Committee cannot sanction Iris as she is no longer in public life. The only effect will be upon her health.

The nasty, vindictive and heartless media coverage is unprecedented and, I believe, is seen as such by the public but particularly by the 1 in 4 in our community who also struggle with mental health illness of one kind or another.

I thank the Committee for its consideration of these matters.

Yours sincerely

Peter D Robinson

JOHN McBURNEY SOLICITORS ●

Our Ref: JMcB/AMcB
Your Ref:
Date: 4 August 2014

By Hand Delivery.
By Email (paul.gill@niassembly.gov.uk).

Mr Paul Gill, Clerk of Standards
Committee on Standards and Privileges
Room 254
Parliament Buildings
Stormont
BELFAST
BT4 3XX

Dear Mr Gill,

Re: Our Client – Mrs Iris Robinson.

I refer to your letter of 4 July 2014, in which you enclosed a copy of the final report of the Assembly Commissioner for Standards ('the Commissioner') into allegations made against Mrs Robinson in a BBC *Spotlight* programme broadcast on 7 January 2010. As you are aware, I have been acting for Mrs Robinson in the course of the Commissioner's investigation.

In your letter you indicated that Mrs Robinson may, if she wishes, provide the Committee on Standards and Privileges with comments in respect of any matter contained within the report (which comments would then be provided to the Committee and, in due course, published by it in its report). This correspondence represents the comments Mrs Robinson wishes to make on the substance of the report (although I will be writing to you separately in relation to the Committee's proposal to publish the Commissioner's final report along with its own report). These comments are necessarily limited since, as you are aware, the circumstances giving rise to the subject matter of the report occurred at a time when Mrs Robinson was, and themselves contributed to her being, mentally unwell. Her difficulties in this regard have been hugely exacerbated by the media attention and reporting surrounding these matters, resulting in a situation where Mrs Robinson has been unable to engage directly with the Commissioner's investigation without unacceptable risk to her mental health. As the Commissioner records in his report, he has previously been provided with medical evidence in relation to this, the full contents of which remain confidential.

John A. McBurney LL.B

Allan H. R. McBurney LL.B

Bannside Chambers
3-7 Church Square
Banbridge
County Down
BT32 4AS
Northern Ireland

DX 3322 NR Banbridge
T: 028 4066 2222
F: 028 4066 2799
M: 07802 390728

E: johnmcburney@gmail.com
E: allan.mcburney@gmail.com

W: johnmcburneysolicitors.com

Banbridge Office Hours:
Mon. – Fri.
9.00am – 1.00pm
2.00pm – 5.30pm

Branch Office:
1, Greencastle Street
Kilkeel, County Down
BT34 4BH
T: 028 4176 3906
M: 07802 390728

Kilkeel Office Hours:
Tuesday 2.00pm – 5.30pm
Friday 2.00pm – 5.30pm

Member of the Home Charter
Scheme of the Law Society of
Northern Ireland.



JOHN MCBURNEY SOLICITORS ●

Our Ref:
Your Ref:
Date:

Before setting out Mrs Robinson's comments, however, there is one further issue within the report which requires clarification. In paragraph 8 of his report (bullet point 4), the Commissioner recites as one of several causes of delay resulting in an unacceptable length of time being taken for his investigation "the legal challenge to submission of the report to the Committee". There are three points to be made about this. Firstly, the phrase "challenge to the submission of the report to the Committee" is potentially misleading. I corresponded with the Commissioner, on Mrs Robinson's behalf, in relation to a range of documentation he was intending to provide to the Committee. He has subsequently determined that it was *not* appropriate to provide to the Committee a range of documentation which was in his possession from various sources. My correspondence was *not* taking issue with the submission to the Committee of the text of the Commissioner's report, as one might think from the way in which the Commissioner has summarized the matter. Secondly, the phrase "legal challenge" is also potentially misleading. Insofar as this phrase may suggest that any application to court was heard, or even that any legal proceedings were commenced, that is erroneous. The issue was resolved between the Commissioner and myself (acting on Mrs Robinson's behalf) without any form of legal action being commenced. A more accurate description of the exchanges is contained in paragraphs 15-16 of the Commissioner's report. Thirdly, it is in any event obvious that any discussion about what should be provided to the Committee by the Commissioner once he had completed his report could not have given rise to any delay in the conduct of his investigation, which was clearly complete at that stage.

In light of the foregoing, Mrs Robinson's comments on the report are as follows:

- (1) Mrs Robinson welcomes the Commissioner's findings that the majority of the allegations made against her were outwith the scope of the Members' Code of Conduct, could not constitute a breach of the Code and/or did not merit investigation by him as free-standing allegations.
- (2) As previously indicated to the Commissioner, Mrs Robinson accepts the findings of fact made by him and set out in paragraph 62 of his report.

John A. McBurney LL.B

Allan H. R. McBurney LL.B

Banside Chambers
3-7 Church Square
Banbridge
County Down
BT32 4AS
Northern Ireland

DX 3322 NR Banbridge
T: 028 4066 2222
F: 028 4066 2799
M: 07802 390728

E: johnamcburney@gmail.com
E: allan.mcburney@gmail.com

W: johnmcburneysolicitors.com

Banbridge Office Hours:
Mon. – Fri.
9.00am – 1.00pm
2.00pm – 5.30pm

Branch Office:
1, Greencastle Street
Kilkeel, County Down
BT34 4BH
T: 028 4176 3906
M: 07802 390728

Kilkeel Office Hours:
Tuesday 2.00pm – 5.30pm
Friday 2.00pm – 5.30pm

Member of the Home Charter
Scheme of the Law Society of
Northern Ireland.



JOHN McBURNEY SOLICITORS ●

Our Ref:
Your Ref:
Date:

- (3) Mrs Robinson welcomes the findings on the part of the Commissioner (particularly at paragraphs 65 and 66 of his report) that the payments to Mr McCambley which formed the central basis of the *Spotlight* allegations were not unlawful and that there is no evidence of any criminality, breach of the Members' Code of Conduct or breach of the Advocacy Rule on her part in her having facilitated these payments. This has always been her position.
- (4) Mrs Robinson also particularly draws attention to the Commissioner's finding that the £5,000 to be given to her as part of Mr Fraser's gift to Mr McCambley was to be used for charitable purposes and not, as some have suggested, for her own use. This sum was indeed used by her for charitable purposes. The Commissioner has also correctly found that there was no illegality or breach of the Members' Code of Conduct in Mrs Robinson receiving this sum.
- (5) Mrs Robinson further welcomes the Commissioner's findings (at paragraphs 67, 68, 76 and 83 of his report) that *none* of the relevant payments were received in connection with her political activities, gave rise to any breach of the Advocacy Rule, nor related to her role as an MLA. Again, this is entirely consistent with the position Mrs Robinson has always maintained.
- (6) As the Commissioner has found, Mrs Robinson did declare interests in the Register of Members' Interests. She now accepts that she ought also to have registered the two payments of £25,000 made to Mr McCambley (and the related payment back to her of £5,000 from Mr Fraser's gift, to be used for charitable purposes). This is *solely* on the basis of the extended definition of the registration requirements set out by the Commissioner at paragraphs 72-76 of his report, namely as a miscellaneous registrable interest on the basis only of what others may have thought about the payment.

John A. McBurney LL.B

Allan H. R. McBurney LL.B

Banside Chambers
3-7 Church Square
Banbridge
County Down
BT32 4AS
Northern Ireland

DX 3322 NR Banbridge
T: 028 4066 2222
F: 028 4066 2799
M: 07802 390728

E: johnamcburney@gmail.com
E: allan.mcburney@gmail.com

W: johnmcburneysolicitors.com

Banbridge Office Hours:
Mon. – Fri.
9.00am – 1.00pm
2.00pm – 5.30pm

Branch Office:
1, Greencastle Street
Kilkeel, County Down
BT34 4BH
T: 028 4176 3906
M: 07802 390728

Kilkeel Office Hours:
Tuesday 2.00pm – 5.30pm
Friday 2.00pm – 5.30pm

Member of the Home Charter
Scheme of the Law Society of
Northern Ireland.



JOHN MCBURNEY SOLICITORS●

Our Ref:

Your Ref:

Date:

- (7) In short, although (as the Commissioner has found) the payments did not relate to her role as an MLA, nor influence her conduct of that role (nor any other of her elected positions) in any way, Mrs Robinson is prepared to accept the Commissioner's view that others (if they had been aware of it) might have thought that the payments might influence her actions having regard to the later reported nature of her relationship with Mr McCambley (even though the brief relationship developed after funding, had been provided) so falling within the catch-all requirement to register interests which do not fall within the usual specified categories.
- (8) Given the Commissioner's view that the payments did not in fact relate to her role as an MLA, and that there is no evidence that they influenced her in that role in any way or of any other breach of the Code relating to them, Mrs Robinson invites the Committee to the view that the failure to register them on the basis described by the Commissioner was a breach of the Code which was technical in nature. Accordingly, Mrs Robinson takes issue with the Commissioner's statement that the sole failure on her part which he has found was a "serious breach" of the Code (see paragraph 83 of the Commissioner's report). It is submitted that the breach was clearly a technical breach when the registration requirement arose only by reason that other people may have thought that the payments would influence Mrs Robinson's conduct (had they been aware of her later relationship with Kirk McCambley, which they were not) and when it is clear that she never intended them to do so, nor did they.
- (9) Moreover, this was a breach which was understandable given (i) the fact that the payments did not actually influence Mrs Robinson in any improper way, nor were they ever intended to by her when received, (ii) the fact that the payments required to be registered only on the extended basis described by the Commissioner in his report, (iii) the fact that the requirement arose only by reason of Mrs Robinson's later relationship with Mr McCambley, which was short-lived, and (iv) the mental health difficulties from which Mrs Robinson was suffering at that time. As to the third of these points, the Commissioner himself has identified that her failure to register the payments was "understandable" on this basis (see paragraph 81 of his report). As to the fourth, the Commissioner expressly leaves this issue open (see paragraph 82 of his report).

John A. McBurney LL.B

Allan H. R. McBurney LL.B

Bannside Chambers
3-7 Church Square
Banbridge
County Down
BT32 4AS
Northern Ireland

DX 3322 NR Banbridge
T: 028 4066 2222
F: 028 4066 2799
M: 07802 390728

E: johnamcburney@gmail.com
E: allan.mcburney@gmail.com

W: johnmcburneysolicitors.com

Banbridge Office Hours:
Mon. – Fri.
9.00am – 1.00pm
2.00pm – 5.30pm

Branch Office:
1, Greencastle Street
Kilkeel, County Down
BT34 4BH
T: 028 4176 3906
M: 07802 390728

Kilkeel Office Hours:
Tuesday 2.00pm – 5.30pm
Friday 2.00pm – 5.30pm

Member of the Home Charter
Scheme of the Law Society of
Northern Ireland.



JOHN McBURNEY SOLICITORS●

Our Ref:
Your Ref:
Date:

I should also say something about the Commissioner's comments in paragraph 80 of his report about some of Mrs Robinson's comments in police interview. It is plainly not the case that Mrs Robinson was unaware of her duty to register interests in the Assembly's Register of Members' Interests and she had in fact done so; nor is it the case that Mrs Robinson had not read the Code of Conduct. At the time of her police interviews, which I attended, Mrs Robinson was in an extremely fragile and vulnerable mental state. She was suggesting to police that she did not consider herself under an obligation to register the relevant payments in the Assembly Register on her reading of the Code and the relevant registration forms. Now, with hindsight, and on the basis described by the Commissioner in his report, she has accepted that this was erroneous. The Commissioner would have been wrong to make any finding as to the truthfulness or otherwise of Mrs Robinson's comments in a police interview which he did not attend and he was right not to do so; but, for the record, Mrs Robinson refutes any suggestion of deliberate untruthfulness.

I can confirm that Mrs Robinson does not wish to appear before the Committee to make comments to it in person. I would indicate my willingness to attend at the Committee should that be considered helpful.

Yours sincerely,

John A. McBurney
John McBurney Solicitors.
Email: johnamcburney@gmail.com
Email: allan.mcburney@gmail.com

John A. McBurney LL.B

Allan H. R. McBurney LL.B

Bannside Chambers
3-7 Church Square
Banbridge
County Down
BT32 4AS
Northern Ireland

DX 3322 NR Banbridge
T: 028 4066 2222
F: 028 4066 2799
M: 07802 390728

E: johnamcburney@gmail.com
E: allan.mcburney@gmail.com

W: johnmcburneysolicitors.com

Banbridge Office Hours:
Mon. – Fri.
9.00am – 1.00pm
2.00pm – 5.30pm

Branch Office:
1, Greencastle Street
Kilkeel, County Down
BT34 4BH
T: 028 4176 3906
M: 07802 390728

Kilkeel Office Hours:
Tuesday 2.00pm – 5.30pm
Friday 2.00pm – 5.30pm

Member of the Home Charter
Scheme of the Law Society of
Northern Ireland.





Office of the
**First Minister and
Deputy First Minister**
www.ofmdfmi.gov.uk

Stormont Castle
BELFAST
BT4 3TT

TEL: 028 9037 8158
FAX: 028 9037 8040
e-mail: ps.ministers@ofmdfmi.gov.uk

Declan O'Loan MLA
Chair
Committee on Standards and Privileges
Northern Ireland Assembly
Parliament Buildings
Stormont
BELFAST
BT4 3XX

11 January 2010

In order to spare Assembly colleagues or the public the task of writing to you separately, I wish to formally request that the Committee commence an inquiry into the questions raised by the BBC Northern Ireland "Spotlight" programme aired on 7 January 2010.

I am convinced that the evidence presented in the programme establishes that I have acted properly throughout and would welcome the opportunity to assist the Committee in any way you see fit in early course.

RT HON PETER D ROBINSON MP MLA
First Minister

**STANDARDS &
11 JAN 2010
PRIVILEGES**

* The Committee received clarification on 13 January 2010 that this letter was sent in Mr Robinson's capacity as an MLA and not as First Minister. Due to a clerical error, the letter was not sent on Assembly letterhead paper.



Parliament Buildings
Belfast BT4 3XX

Sinn Féin Chief Whips Office
Room 27
Parliament Buildings

10th January 2010

To the Members of The Standards and Privileges Committee

The BBC Spotlight Programme broadcast last on Thursday the 7th of January 2010, made a number of serious allegations relating to financial matters concerning two MLAs, Peter and Iris Robinson.

The issues raised by the programme include the possibility that one or both Members are in breach of the Assembly's Standing Orders relating to Members Interests.

With reference to the allegations relating to financial matters made by the programme, I am formally requesting that the Standards and Privileges Committee investigate fully, and as a matter of urgency, whether or not either Member has breached any Standing Order or the Code of Conduct.

Is mise le meas

Carál Ní Chuilín MLA

**STANDARDS &
11 JAN 2010
PRIVILEGES**

Extract from the Interim Commissioner for Standards' Briefing Paper considered by the Committee at its meeting on 8th June 2011

3. Case 2

In January 2010 the Committee asked the Interim Commissioner to investigate the issues raised by the Spotlight Programme in respect of two Members – Mr Peter Robinson and Mrs Iris Robinson. The Interim Commissioner was advised that a police investigation had been commenced on foot of the broadcast. The Committee agreed that his investigation should be suspended as the police investigation took precedence because it could potentially lead to legal action.

At that point in time the Interim Commissioner had made preliminary preparations for an investigation and, as is normal procedure, offered the two named Members an opportunity to submit initial comment on the matter. Neither did so.

The Committee will be aware that in early March 2011 the Public Prosecution Service announced that "following careful consideration of all available evidence, a decision has been taken not to prosecute in this case."

That decision was in respect of Mrs Robinson. The Interim Commissioner understands that the police investigation also examined whether there was a basis to take action against any other person. It is understood that no evidence emerged which would have warranted consideration of action against any other person.

Mrs Robinson is no longer a Member of the Assembly having resigned in January 2010.

The Interim Commissioner therefore is seeking the view of the Committee as to whether it would wish further consideration of the case notwithstanding the passage of time, the decision of the of the Public Prosecution Service and the fact that Mrs Robinson is no longer a Member of the Assembly.



Northern Ireland
Assembly

Appendix 3

Minutes of Proceedings of the Committee Relating to the Report

Monday, 11 January, 2010

Room 144, Parliament Buildings

Present: Mr Declan O'Loan (Chairperson)
Mr Willie Clarke (Deputy Chairperson)
Mr Allan Bresland
Mr Thomas Buchanan
Mr Trevor Clarke
Rev Robert Coulter
Mr Billy Leonard
Mr Paul Maskey
Mr Alastair Ross
Mr George Savage
Mr Brian Wilson

In Attendance: Mr Paul Gill (Assembly Clerk)
Mr Damien Martin (Clerk Assistant)
Ms Hilary Bogle (Assistant Clerk)
Mr Christopher McNickle (Clerical Officer)

4.33pm The meeting commenced in closed session.

2. Committee's response to allegations made in Spotlight programme

The Committee noted correspondence received from Mr Peter Robinson MP MLA.

Agreed: Following discussion the Committee agreed to write to the Interim Assembly Commission for Standards requesting him to carry out an investigation into the conduct of Mrs Iris Robinson MLA and Mr Peter Robinson MP MLA.

Agreed: The Committee agreed to respond to Mr Peter Robinson MP MLA informing him that it had written to the Interim Assembly Commissioner for Standards instructing him to carry out an investigation.

The Committee noted correspondence received from Ms Carál Ní Chuilín MLA, Chief Whip, Sinn Féin.

Agreed: The Committee agreed to respond to Ms Carál Ní Chuilín MLA, Chief Whip, Sinn Féin informing her that the Interim Assembly Commissioner for Standards was being instructed to carry out an investigation.

Agreed: The Committee agreed the draft Press Release, as amended.

[EXTRACT]

Wednesday, 27 January, 2010

Room 135, Parliament Buildings

Present: Mr Declan O'Loan (Chairperson)
Mr Willie Clarke (Deputy Chairperson)
Mr Allan Bresland
Mr Trevor Clarke
Reverend Coulter
Mr Billy Leonard
Mr Paul Maskey
Mr Alastair Ross
Mr George Savage
Mr Brian Wilson

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Mr Michael Greer (Clerical Supervisor)
Mr Christopher McNickle (Clerical Officer)

Apologies: Mr Thomas Buchanan

1.15pm The meeting commenced in closed session.

5. Correspondence from the Interim Assembly Commissioner for Standards

Members noted two pieces of correspondence received from the Interim Assembly Commissioner for Standards.

The Chairperson welcomed Dr Tom Frawley, Interim Assembly Commissioner for Standards and Mr John MacQuarrie, Director for Standards and Special Projects, Ombudsman's Office and invited Dr Frawley to brief the Committee on the correspondence.

Following discussion the Chairperson thanked Dr Frawley and Mr MacQuarrie for attending the meeting.

Agreed: The Committee agreed to write to Mr Robinson MLA and Mrs Robinson informing them that the Committee has agreed that the Interim Assembly Commissioner for Standards should suspend his investigation until the outcome of the Police Service for Northern Ireland's (PSNI) investigation is known.

2.05pm Mr Ross left the meeting

Following discussion the Chairperson proposed that the Committee issue a press release.

The Committee divided:-

AYES

Mr Declan O'Loan
Mr Willie Clarke
Mr Billy Leonard
Mr Paul Maskey
Mr George Savage
Mr Brian Wilson

NOES

Mr Allan Bresland
Mr Trevor Clarke

The proposal was carried.

Agreed: The Committee agreed the content of a press release.

Agreed: Following discussion on the second piece of correspondence the Committee agreed to write to the complainant and the Member who is the subject of the complaint informing them that the Committee has agreed that the Interim Assembly Commissioner for Standards should suspend his investigation of the complaint until the outcome of the legal proceedings is known.

The Committee noted that the Clerk was in contact with the PSNI to arrange a meeting to clarify formally the respective responsibilities of the PSNI and the Assembly Commissioner for Standards and to put in place procedures which should be followed in any future instances where a complaint against a Member raises questions of criminal liability.

[EXTRACT]

Wednesday, 8 June 2011

Room 21, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Mr Kieran McCarthy (Deputy Chairperson)
Mr Cathal Boylan
Ms Paula Bradley
Mr Michael Copeland
Mr Jonathan Craig
Mr Pat Doherty
Mr David McIlveen

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Mr Christopher McNickle (Clerical Officer)

Apologies: Mr Steven Agnew
Mr Fra McCann
Mr Patsy McGlone

3.00pm The meeting commenced in open session.

5. Briefing by the Interim Assembly Commissioner for Standards

Members noted the briefing paper received from the Interim Assembly Commissioner for Standards.

3.04pm Mr McCarthy joined the meeting.

3.04pm The Chairperson welcomed Dr Tom Frawley, Interim Assembly Commissioner for Standards and Mr John MacQuarrie, Director for Standards and Special Projects, Ombudsman's Office and invited Dr Frawley to brief the Committee.

3.16pm Mr Copeland declared an interest in one of the issues on which the Commissioner was briefing the Committee and left the meeting during the course of the briefing.

3.25pm Mr Copeland returned to the meeting.

3.27pm Ms Bradley joined the meeting.

3.34pm The Chairperson thanked Dr Frawley and Mr MacQuarrie for attending the meeting.

3.36pm Mr Copeland left the meeting during the Committee's consideration of the issue in which he had declared an interest.

Agreed: The Committee agreed that the suspended investigation referred to in Case 2 should resume.

3.45pm Mr Copeland returned to the meeting.

Agreed: The Committee agreed that the Clerk should write to the Interim Assembly Commissioner for Standards informing him of the outcome of the Committee's deliberations.

[EXTRACT]

Tuesday, 4 September 2012

Room 144, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Mr Kieran McCarthy (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Ms Paula Bradley
Mr Jonathan Craig
Mr Colum Eastwood
Mr Alex Maskey
Mr Fra McCann
Mr David McIlveen

In Attendance: Mr Paul Gill (Assembly Clerk)
Mr Jonathan McMillen (Assembly Legal Adviser)
Ms Hilary Bogle (Assistant Assembly Clerk)
Mr Christopher McNickle (Clerical Officer)

Apology: Mrs Sandra Overend

11.05am The meeting commenced in closed session.

5 and 6. Further consideration of Reports from the interim Assembly

Commissioner for Standards and commencement of the Northern Ireland Assembly
Commissioner for Standards' Functions.

The Chairperson invited Dr Frawley to brief the Committee on his correspondence of 30 August 2012 which provided an update on current investigations.

Dr Frawley updated the Committee on the issues in his correspondence of 30 August 2012 and said that, in respect of the first investigation referred to in his correspondence, he was due to interview a key witness later that day.

[EXTRACT]

Wednesday, 10 September 2014

Room 106, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Ms Paula Bradley
Mr Colum Eastwood
Mr Declan McAleer
Mr Fra McCann
Mr Ian McCrea
Mrs Sandra Overend
Mr Mervyn Storey

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Hilary Cleland-Bogle (Assistant Assembly Clerk)

Apologies: None.

1.30pm The meeting commenced in closed session.

There were no matters arising

6. Report from the Assembly Commissioner for Standards

The Committee noted with concern that, despite the steps taken to uphold confidentiality, there had been various media reports in relation to the Commissioner's report.

Members noted the Clerk's Paper and the Report from the Assembly Commissioner for Standards together with various items of related correspondence.

The Chairperson invited the Commissioner to brief the Committee on his Report. Following this there was a question and answer session.

1.39pm Mr McAleer joined the meeting.

2.43pm Mr McCrea left the meeting.

2.49pm Ms Bradley left the meeting.

2.49pm Mr Eastwood left the meeting.

2.53pm Mr McCrea returned to the meeting.

2.55pm Ms Bradley returned to the meeting.

2.55pm The Chairperson thanked Mr Bain for attending the meeting.

Agenda item 6

Agreed: The Committee considered and agreed the key issues outlined in the Clerk's Paper.

The Committee noted that the Clerk would prepare a draft Committee report, based on the views of the Committee, for the Committee's consideration at a future meeting.

7. Legal Advice

Members noted the Clerk's paper; the legal advice of 22 August 2014 and 3 September 2014; and correspondence of 4 August 2014 and 2 September 2014.

3.07pm Mr Agnew left the meeting.

3.07pm Mr Eastwood returned to the meeting.

3.08pm Mr Boylan left the meeting

3.09pm The Chairperson invited Ms Tara Caul, Head of Legal Services to brief the Committee on the legal advice. This was followed by a question and answer session.

3.10pm Mr Agnew returned to the meeting.

3.24pm Mr Agnew left the meeting.

3.37pm Ms Lo left the meeting.

3.38pm Mr Boylan returned to the meeting.

3.38pm Ms Lo returned to the meeting.

3.40pm Mr Agnew returned to the meeting.

3.41pm Mr Storey left the meeting.

3.48pm Mr McCann left the meeting.

3.50pm Mr McCann returned to the meeting.

3.58pm Mr Storey returned to the meeting.

4.03pm The Chairperson thanked Ms Caul for attending the meeting.

Agreed: The Committee agreed with the recommendations in the Clerk's paper and how the Clerk should respond to the correspondence of 4 August 2014.

Agreed: The Committee agreed that Members must continue to comply with the requirements of the undertaking on confidentiality until such times as the Committees agrees otherwise.

Agreed: The Committee agreed that it was content that the Chairperson should handle any media enquiries in accordance with the line agreed by the Committee.

4.14pm Mr Eastwood left the meeting.

4.15pm Mr Bain returned to the meeting and clarified an issue raised during his briefing to the Committee on item 6.

The Chairperson thanked Mr Bain and Mr Bain left the meeting.

[EXTRACT]

Wednesday, 24 September 2014

Room 106, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Mr Colum Eastwood
Mr Fra McCann
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Hilary Cleland-Bogle (Assistant Assembly Clerk)
Mr Jonathan Kerr (Clerical Officer)

Apologies: Mr Declan McAleer
Mr Mervyn Storey

Chairperson's Introduction

1.30pm The meeting commenced in closed session.

7. Correspondence

Members noted the confidential correspondence of 12 September which had been issued.

[EXTRACT]

Wednesday, 15 October 2014

Room 106, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Mr Steven Agnew
Mr Colum Eastwood
Mr David Hilditch
Mr Fra McCann
Mr Ian McCrea
Mr Robin Newton

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Hilary Cleland Bogle (Assistant Assembly Clerk)
Mr Jim Nulty (Clerical Supervisor)
Mr Jonathan Kerr (Clerical Officer)

Apologies: Mr Cathal Boylan
Ms Anna Lo (Deputy Chairperson)
Mr Declan McAleer
Mrs Sandra Overend

1.30pm The meeting commenced in open session.

The meeting moved into closed session

8. Correspondence

Agreed: Members noted the tabled correspondence and agreed to seek further legal advice on this matter.

[EXTRACT]

Wednesday, 5 November 2014

Room 106, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Mr Colum Eastwood
Mr David Hilditch
Mr Fra McCann
Mr Ian McCrea
Mr Robin Newton
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Hilary Cleland Bogle (Assistant Assembly Clerk)
Mr Jonathan Kerr (Clerical Officer)

Apologies: None

1:30pm The meeting commenced in closed session.

5. Legal Advice

Members noted the Clerk's paper; all relevant papers previously considered by the Committee and further legal advice.

The Clerk briefed the Committee on the background to this issue.

The Chairperson welcomed Ms Tara Caul, Head of Legal Services and invited her to brief the Committee on the legal advice.

This was followed by a question and answer session.

Agreed: The Committee agreed to consider in detail each section of the Commissioner's report and identify any references within the report which should be redacted in order to ensure that the Committee complies with its obligations under the Human Rights Act 1998.

The Clerk took the Committee through each section of the Commissioner's report.

The Committee considered each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee complies with its obligations under the Human Rights Act 1998.

3:12pm Mr Eastwood left the meeting

3:13pm Mr Hilditch left the meeting

3:14pm Mr Eastwood returned to the meeting

3:15pm Mr Hilditch returned to the meeting

3:30pm Mr Newton left the meeting

3:37pm Mr Newton returned to the meeting

4:08pm Mr Agnew left the meeting

4:10pm Mr Agnew returned to the meeting

4:26pm Mrs Overend left the meeting

4:34pm Mrs Overend returned to the meeting

Agreed: The Committee agreed to adjourn the meeting and to resume its consideration of the Commissioner's report when the Committee reconvened.

4:50pm The Committee adjourned

The Committee re-convened at 12.06pm on Monday 10th November 2014 in Room 30.

The following members were present:

Mr Alastair Ross (Chairperson)
 Ms Anna Lo (Deputy Chairperson)
 Mr Steven Agnew
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr David Hilditch
 Mr Fra McCann
 Mrs Sandra Overend

The following officials were in attendance:

Mr Paul Gill (Assembly Clerk)
 Ms Tara Caul (Head of Legal Services)
 Mrs Hilary Cleland Bogle (Assistant
 Assembly Clerk)
 Mr Jonathan Kerr (Clerical Officer)

The Committee resumed its consideration of each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee to complies with its obligations under the Human Rights Act 1998.

12:11pm Mr Newton joined the meeting

Mr Agnew proposed that paragraph 82 of the main body of the Commissioner's report remain within the Report.

The Committee divided:

Ayes

Ms Anna Lo
 Mr Steven Agnew
 Mrs Sandra Overend

Noes

Mr Alastair Ross
 Mr Cathal Boylan
 Mr Colum Eastwood
 Mr David Hilditch
 Mr Fra McCann
 Mr Robin Newton

Abstentions

None

The proposal fell.

The Committee continued its consideration of each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee to complies with its obligations under the Human Rights Act 1998.

1:05pm The Committee adjourned

1:10pm The Committee reconvened

1:10pm Mr McCrea joined the meeting

1:10pm Mr Hilditch declared an interest as one of his passes to Parliament Buildings had been allocated to Selwyn Black.

The Committee continued its consideration of each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee to complies with its obligations under the Human Rights Act 1998.

1:11pm Mr Boylan left the meeting

1:17pm Mr Boylan returned to the meeting

The Chairperson proposed that paragraph 14 of Document 7 in Annex D be redacted.

Mr Agnew proposed an amendment to that proposal to allow for the first line of paragraph 14 of Document 7 in Annex D to be retained.

The Committee divided on the amendment:

Ayes	Noes	Abstentions
Ms Anna Lo	Mr Alastair Ross	None
Mr Steven Agnew	Mr Cathal Boylan	
Mrs Sandra Overend	Mr Colum Eastwood	
	Mr David Hilditch	
	Mr Fra McCann	
	Mr Ian McCrea	
	Mr Robin Newton	

The amendment fell.

The Committee divided on the original proposal:

Ayes	Noes	Abstentions
Mr Alastair Ross	Ms Anna Lo	None
Mr Cathal Boylan	Mr Steven Agnew	
Mr Colum Eastwood	Mrs Sandra Overend	
Mr David Hilditch		
Mr Fra McCann		
Mr Ian McCrea		
Mr Robin Newton		

The proposal was carried.

The Committee continued its consideration of each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee to complies with its obligations under the Human Rights Act 1998.

Ms Lo proposed that both boxes in the entry dated 16th December 2008 in Annex B of Document 15 should remain in the Report.

The Committee divided:

Ayes	Noes	Abstentions
Ms Anna Lo	Mr Alastair Ross	Mrs Sandra Overend
	Mr Cathal Boylan	
	Mr Colum Eastwood	
	Mr David Hilditch	
	Mr Fra McCann	
	Mr Ian McCrea	
	Mr Robin Newton	

The proposal fell.

Ms Lo proposed that the first line of the commentary box in the entry dated 16th December 2008 in Annex B of Document 15 should remain in the Report.

The Committee divided:

Ayes	Noes	Abstentions
Ms Anna Lo	Mr Alastair Ross Mr Cathal Boylan Mr Colum Eastwood Mr David Hilditch Mr Fra McCann Mr Ian McCrea Mr Robin Newton	Mr Steven Agnew Mrs Sandra Overened

The proposal fell.

The Committee continued its consideration of each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee to complies with its obligations under the Human Rights Act 1998.

1:56pm Mr Eastwood left the meeting

2:15pm Mrs Overend left the meeting

2:30pm Mr McCrea left the meeting

2:30pm The Committee adjourned

2:40pm The Committee reconvened

The Committee continued its consideration of each section of the Commissioner's report and identified references within the report which should be redacted in order to ensure that the Committee to complies with its obligations under the Human Rights Act 1998.

2:42pm Mrs Overend returned to the meeting

2:49pm Mr Eastwood returned to the meeting

The Committee concluded its consideration of the Commissioner's report.

Ms Caul provided the Committee with further legal advice.

3:19pm Mrs Overend left the meeting

3:25pm Mrs Overend returned to the meeting

3:31pm The Chairperson thanked Ms Caul for attending the meeting.

3:31pm Mr Newton left the meeting

3:34pm Mr McCrea returned to the meeting

3:35pm Mr Newton returned to the meeting

The Committee considered whether it needed to make any further redactions to the Commissioner's report in order to comply with its obligations under the Human Rights Act 1998

The Chairperson proposed that Document 5 of Annex D of the Commissioner's report be redacted in its entirety.

The Committee divided:

Ayes	Noes	Abstentions
Mr Alastair Ross Mr David Hilditch Mr Ian McCrea Mr Robin Newton	Ms Anna Lo Mr Steven Agnew Mr Cathal Boylan Mr Colum Eastwood Mr Fra McCann Mrs Sandra Overend	None

The proposal fell.

Mr McCrea proposed that Document 15 of Annex D of the Commissioner's report be redacted in its entirety.

The Committee divided:

Ayes	Noes	Abstentions
Mr Alastair Ross Mr David Hilditch Mr Ian McCrea Mr Robin Newton	Ms Anna Lo Mr Steven Agnew Mr Cathal Boylan Mr Colum Eastwood Mr Fra McCann Mrs Sandra Overend	None

The proposal fell.

Agreed: The Committee agreed that the Clerk should draft a report for consideration by the Committee at its next meeting.

Agreed: The Committee agreed how the Clerk should respond to the correspondence of 10 October 2014 from Mr McBurney.

[EXTRACT]

Wednesday, 26 November 2014

Room 106, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Mr Colum Eastwood
Mr David Hilditch
Mr Fra McCann
Mr Ian McCrea
Mr Robin Newton
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Hilary Cleland Bogle (Assistant Assembly Clerk)
Mr Jonathan Kerr (Clerical Officer)

Apologies: Mr Declan McAleer

1.30pm The meeting commenced in closed session.

5. Committee Report

Agreed: Members discussed and agreed the draft Committee Report (as amended) and ordered that the report be printed today.

Agreed: Members agreed that the Committee Report should be embargoed until 12.00 noon on Friday, 28th November 2014.

Agreed: Members agreed the draft press release and the media handling arrangements.

Agreed: Members agreed that the two individuals who are the subjects of the Report should receive an advanced copy of the embargoed Report.

[EXTRACT]



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

£21.00

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2014

ISBN 978-0-339-60546-6



9 780339 605466