



COMMITTEE ON STANDARDS AND PRIVILEGES

WEDNESDAY, 18TH MARCH 2015,

ROOM 21, PARLIAMENT BUILDINGS

Present: Mr Jimmy Spratt (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Mr Sammy Douglas
Mr Colum Eastwood
Mr David Hilditch
Mr Fra McCann
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

Chairperson's Introduction

Agreed: The Committee agreed that the meeting should be held in closed session.

The meeting commenced at 1.01pm in closed session.

The Chairperson welcomed Committee members to the meeting.

1. Apologies

As above.

2. Declaration of Interests

The Chairperson reminded Members of their obligation to declare any relevant financial or other interests before and during each Committee meeting.

Mr McCann declared an interest in relation to agenda item 6 as a member of the Social Development Committee and said that he would not take part in the Committee's decision in relation to this complaint.

Mr Hilditch declared an interest in agenda in relation to agenda item 5 as a member of the Culture Committee and said that he would not take part in the Committee's decision in relation to the complaint referred to in the Commissioner's correspondence dated 12th March 2015.

3. Draft minutes

Agreed: The draft minutes of the meeting held on 18th February 2015 were agreed by the Committee.

4. Matters arising

The Chairperson briefed the Committee on the visit to Dáil Éireann and the Standards in Public Office Commission.

5. Correspondence from the Assembly Commissioner for Standards

Members noted two pieces of correspondence from the Assembly Commissioner for Standards on complaints against two Members.

The Chairperson welcomed Mr Bain, Assembly Commissioner for Standards to the meeting and invited him to brief the Committee on his correspondence dated 5th March 2015 on a complaint against a Member.

Following discussion the Chairperson invited Mr Bain to brief the Committee on his second piece of correspondence dated 12th March 2015 on a complaint against a Member.

Following discussion the Chairperson thanked Mr Bain and asked him to remain at the table for the next agenda item.

6. Report from the Assembly Commissioner for Standards on a complaint against a Member

Members noted the Clerk's Paper; and the Report from the Assembly Commissioner for Standards.

The Chairperson invited Mr Bain to brief the Committee on his Report.

1.21pm Mr McCann left the meeting

Following this briefing Mr Bain answered questions from members. The Chairperson thanked Mr Bain who then left the meeting.

Agenda Item 5

Agreed: Following discussion, the Committee agreed with the Assembly Commissioner for Standards' conclusion that the complaint at agenda item 5.2 was inadmissible.

Agreed: The Committee agreed that the Clerk should write to the Member complained of and the complainant, enclosing a copy of the Commissioner's correspondence and informing them of the Committee's decision.

Agreed: The Committee agreed that the Clerk should write to the Commissioner informing him of the Committee's decision.

Agreed: Following discussion, the Committee agreed with the Assembly Commissioner for Standards' conclusion that the complaint at agenda item 5.3 was inadmissible.

Agreed: The Committee agreed that the Clerk should write to the Member complained of and the complainant enclosing a copy of the Commissioner's correspondence and informing them of the Committee's decision.

Agreed: The Committee agreed that the Clerk should write to the Commissioner informing him of the Committee's decision.

Agreed: The Committee agreed that when the General Procedures direction is reviewed and amended (following the review of the Code of Conduct), provision should be made to allow that the Commissioner may accept a complaint without an address where he considers it appropriate.

Agreed: The Committee agreed that the Committee's report on the review of the Code should clarify the application of the new rule 13 to take account of the comments submitted by the Commissioner.

Agenda Item 6

Agreed: Following discussion the Committee agreed to seek Legal Advice and give further consideration to the Commissioner's Report at a future meeting.

1.35pm Mrs Overend joined the meeting

7. Review of the Code of Conduct – outstanding issues

Mr Bain, Assembly Commissioner for Standards re-joined the meeting.

The Committee noted the Clerk's Paper; the Committee's Issues Paper; and the amended Code of Conduct and Guide to the Rules relating to the Code of Conduct.

The Clerk briefed the Committee on these issues including each of the amendments to the draft Code and Guide.

The Assembly Commissioner for Standards indicated that he was content with the draft new Code of Conduct and Guide to the Rules.

Agreed: The Committee agreed that parties should be given more time to consider the draft new Code of Conduct and Guide to the Rules before the Committee approved it.

The Committee noted the new deadline for parties to respond.

The Committee noted that it would be provided with legal advice at its next meeting on the draft new Code of Conduct and Guide to the Rules.

1.48pm Mr Eastwood left the meeting

1.50pm Mr McCann returned to the meeting

2.01pm Ms Lo left the meeting

Agreed: The Committee agreed that it did not need to consider a draft report until after any comments from parties on the draft new Code of Conduct and Guide to the Rules had been considered.

Agreed: The Committee confirmed its position in relation to the new Code not applying to the conduct of a Member when acting exclusively in their private, family or wider public life. The Committee also agreed that the draft report should refer to its discussions with the IFRP on the proposal to allow for a Member's salary to be reduced by 90% during any period when that Member was imprisoned.

Agreed: The Committee noted the new rule 10 and agreed that when it reviews the General Procedure Direction (following the review of the Code of Conduct) it will ensure that the

Commissioner does not have to investigate any breach of such rules which are of a minor or technical nature.

Agreed: The Committee agreed to recommend that, in light of the new rule 13, the Committee on Procedures review whether Standing Order 70 remains appropriate.

Agreed: The Committee agreed to recommend that the Assembly Commission review the current Secretariat Staff/Member protocol to take account of the rule 15 in the new Code of Conduct and that, following this, consideration could be given to the Commissioner only investigating complaints that had first been considered under the protocol but which remain unresolved.

The Committee also discussed the application of this rule to Members and the treatment of their own staff.

Agreed: The Committee agreed that it would amend the General Procedure Direction so that under the new Code the Commissioner will not investigate those complaints which should properly be resolved in another statutory or official forum.

Agreed: The Committee agreed that it should liaise with the Assembly Commission and others to ensure that, if possible, a code of conduct for Members' staff is agreed and introduced to have effect from the start of the new mandate.

Agreed: The Committee agreed to recommend that OFMdFM give consideration to whether a Register of Lobbyists in Northern Ireland would be appropriate or beneficial.

Agreed: The Committee agreed to recommend to the Committee on Procedures that Standing Order 69 be reviewed and amended at the earliest opportunity to reflect the provisions of the new Code and Guide.

The Committee noted that the new Code and Guide would not come into effect until the new Standing Order 69 is agreed.

Agreed: The Committee agreed that categories 2 (Donations and other support) and 9 (Family members who benefit from Office Cost Expenditure) should not apply to the Attorney General. However, the other provisions of the Guide to the Rules should inform the Attorney General's duties in respect of registering interests, declaring interests and paid advocacy.

Agreed: The Committee agreed to recommend to the Assembly liaising with Politics Plus to put in place appropriate arrangements for training in relation to those matters which had been identified during the review.

2.14pm The Chairperson thanked Mr Bain for attending the meeting.

Members noted the Clerk's Paper and related papers on issues with regard to the Ministerial Code of Conduct.

The Chairperson welcomed Mr Simon Kelly, Assembly Legal Adviser to the meeting and invited him to brief the Committee on the Legal Advice.

Following this briefing, Mr Kelly answered members' questions.

The Chairperson thanked Mr Kelly for attending the meeting

Agreed: The Committee agreed that its report on the review of the Code of Conduct should point out that complaints that the Ministerial Code of Conduct has been breached should be sent to OFMdFM. The Committee agreed it was for the Executive to decide whether it wishes to amend the Ministerial Code to provide for a process and for the making of all other necessary arrangements for the independent investigation of, and report to the First Minister and deputy First Minister on an alleged breach of the Ministerial Code of Conduct;

Agreed: The Committee agreed that Executive departments should be invited to routinely publish details of gifts, benefits and hospitality etc or overseas visits accepted by Ministers.

Agreed: The Committee agreed to recommend that the Executive should publish the guidance contained within the Ministerial Code published in 2000 to which there is an expectation that, should particular circumstances arise, Ministers would have due regard.

8. Correspondence from the Independent Financial Review Panel

Members noted the Clerk's Paper and the IFRP Consultation Paper.

The Clerk briefed the Committee on this issue.

Agreed: The Committee agreed a response to the IFRP.

9. Any other business

There was no other business.

10. Time, date and place of next meeting

Members noted that the next meeting of the Committee would take place on Wednesday, 15th April 2015 at 1.00pm in room 21, Parliament Buildings.

The Chairperson adjourned the meeting at 2.39pm.

Mr Jimmy Spratt MLA
Chairperson, Committee on Standards and Privileges

15th April 2015