



**Northern Ireland
Assembly**

COMMITTEE ON STANDARDS AND PRIVILEGES

WEDNESDAY, 20TH MAY 2015

ROOM 21, PARLIAMENT BUILDINGS

Present: Mr Jimmy Spratt (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Mr Tom Buchanan
Mr Colum Eastwood
Mr David Hilditch
Mr Declan McAleer
Mr Fra McCann
Mr Robin Newton

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Hilary Cleland Bogle (Assistant Assembly Clerk)
Miss Alison Ferguson (Clerical Officer)

Apologies: Mrs Sandra Overend

Chairperson's Introduction

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

The meeting commenced at 1.10pm in closed session.

The Chairperson welcomed Committee members to the meeting. The Chairperson also welcomed Mr Tom Buchanan to the meeting and informed members that Mr Buchanan had replaced Mr Sammy Douglas as a member of the Committee.

Agreed: The Committee agreed that the Chairperson should write to Mr Douglas thanking him for his contribution to the Committee.

1. Apologies

As above.

2. Declaration of Interests

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

Members noted Mr Buchanan's entry in the Register of Members' Interests.

3. Draft minutes

Agreed: The draft minutes of the meeting held on 15th April 2015 were agreed by the Committee.

4. Matters arising

There were no matters arising.

1.05pm Mr Eastwood joined the meeting.

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

Mr McCann declared an interest as a member of the Social Development Committee who was present when the alleged misconduct occurred. Mr McCann informed the Committee that he had given consideration to this and was satisfied that it was unnecessary for him to stand aside from the proceedings of the Committee on Standards and Privileges relating to the complaint.

Members noted the Clerk's Papers; the Report from the Assembly Commissioner for Standards; and the Legal Advice.

1.10pm Mr Agnew joined the meeting.

The Clerk briefed the Committee on the issues to be considered.

The Committee discussed whether, leaving aside any Article 10 considerations, the Member's use of the word "thug" was a breach of the Code of Conduct.

Following discussion, the Chairperson put the question that leaving aside any Article 10 considerations, the Member's use of the word "thug" was a breach of the Code of Conduct.

The Committee divided:

Ayes	Noes	Abstentions
Mr Steven Agnew Mr Colum Eastwood Ms Anna Lo Mr Declan McAleer Mr Fra McCann	Mr Tom Buchanan Mr David Hilditch Mr Robin Newton Mr Jimmy Spratt	None

The question was carried.

The Committee discussed whether the Member's 'thug' comment was a form of expression protected by Article 10 and that a finding of breach of the Code of Conduct would therefore amount to a prima facie interference with the Member's Article 10 rights.

Agreed: The Committee agreed that the Member's comment was a form of expression protected by Article 10 and that a finding of breach of the Code of Conduct would amount to a prima facie interference with the Member's Article 10 rights.

The Committee discussed whether a finding by it of a breach of the Code of Conduct in this case would be prescribed by law.

Following discussion, the Chairperson put the question that a finding by the Committee of a breach of the Code of Conduct in this case was prescribed by law.

The Committee divided:

Ayes	Noes	Abstentions
Mr Steven Agnew Mr Colum Eastwood Ms Anna Lo Mr Declan McAleer Mr Fra McCann	Mr Tom Buchanan Mr David Hilditch Mr Robin Newton Mr Jimmy Spratt	None

The question was carried.

The Committee discussed whether the Member's 'thug' comment was a form of political expression or a gratuitous personal comment.

1.25pm Mr Boylan joined the meeting

Following discussion, Mr Eastwood proposed that the Member's 'thug' comment was a gratuitous personal comment.

The Committee divided:

Ayes	Noes	Abstentions
Mr Steven Agnew	Mr Tom Buchanan	None
Mr Cathal Boylan	Mr David Hilditch	
Mr Colum Eastwood	Mr Robin Newton	
Ms Anna Lo	Mr Jimmy Spratt	
Mr Declan McAleer		
Mr Fra McCann		

The proposal was carried.

The Committee discussed whether a finding by it of breach of the Code of Conduct in this case would be necessary in a democratic society for the protection of the reputation or rights of others. In doing so, the Committee took into consideration all relevant factors in the case. The Committee balanced the Member's right to freedom of expression and the public interest in such freedom against the public interest in proper standards of conduct by Members in order to protect the reputation and rights of others.

Following discussion, Mr Agnew proposed that a finding in this case by the Committee of a breach of the Code of Conduct was necessary in a democratic society for the protection of the reputation or rights of others.

The Committee divided:

Ayes	Noes	Abstentions
Mr Steven Agnew	Mr Tom Buchanan	None
Mr Cathal Boylan	Mr David Hilditch	
Mr Colum Eastwood	Mr Robin Newton	
Ms Anna Lo	Mr Jimmy Spratt	
Mr Declan McAleer		
Mr Fra McCann		

The proposal was carried.

The Committee therefore agreed that by his ‘thug’ comment the Member had breached the Code of Conduct and that the interference with his Article 10 rights was justified as it was both prescribed by law and necessary in a democratic society for the protection of the reputation or rights of others.

The Clerk briefed the Committee on some remaining issues to be considered.

Agreed: The Committee agreed that the Member’s behaviour did not bring the Assembly into disrepute.

Agreed: The Committee agreed with the Commissioner’s decision that the other aspects of the complaints were not upheld.

The Committee discussed the action it should take as a result of its conclusions.

Mr Eastwood proposed that the Member should apologise to the Member whom he had called a ‘thug’ before Friday 29 May 2015 and that such an apology would allow the Committee to report that the matter had been resolved.

Mr Buchanan proposed that the Committee should report that no further action was required.

The Committee divided on the first proposal (Mr Eastwood’s):

Ayes	Noes	Abstentions
Mr Steven Agnew	Mr Tom Buchanan	None
Mr Cathal Boylan	Mr David Hilditch	
Mr Colum Eastwood	Mr Robin Newton	
Ms Anna Lo	Mr Jimmy Spratt	
Mr Declan McAleer		
Mr Fra McCann		

The proposal was carried.

As the first proposal was carried the question was not put on the second proposal (Mr Buchanan’s).

Agreed: The Committee agreed that the Clerk should write to the Member setting out the Committee’s position that the Member should apologise and that if he did not the Committee would have to give consideration to recommending to the Assembly that a sanction be imposed.

6. Correspondence from the Assembly Commissioner for Standards on complaints against Members

Members noted the Clerk's Paper and correspondence dated 22nd April 2015 from the Assembly Commissioner for Standards on a complaint against a Member.

Agreed: Following discussion, the Committee agreed with the Assembly Commissioner for Standards' conclusion that the complaint 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.

Members noted the Clerk's Paper and correspondence dated 19th May 2015 from the Assembly Commissioner for Standards on a complaint against two Members.

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

Agreed: The Committee agreed that the Clerk should write to the Members 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.

Members noted the Clerk's Paper and further correspondence dated 19th May 2015 from the Assembly Commissioner for Standards on complaints against a Member.

Agreed: Following discussion, the Committee agreed with the Assembly Commissioner for Standards' conclusion that the complaints were inadmissible.

Agreed: The Committee agreed that the Clerk should write to the Member complained of and the complainants, 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.

7. Review of the Code of Conduct

Members noted the Clerk's Paper; the draft new Code of Conduct and Guide to the Rules; and other related papers.

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

The Committee noted that the Commissioner had seen the current version of the draft new Code and Guide and was content.

Agreed: The Committee agreed to amend the draft Guide in relation to how Members register remuneration.

Agreed: The Committee agreed not to include a rule prohibiting Members from providing paid advice to lobbyists.

Agreed: The Committee agreed not to include a further exemption to the Advocacy Rule.

Agreed: The Committee noted the Commonwealth Parliamentary Association report on recommended Benchmarks for Codes of Conduct applying to Members of Parliament.

Agreed: The Committee agreed, subject to any final drafting clarifications, the draft new Code of Conduct and Guide to the Rules.

Agreed: The Committee agreed the 'Guidance for Members on dealing with lobbyists'.

Agreed: The Committee noted the draft report and agreed that it would consider this further at its next meeting.

1.54pm Mr McAleer left the meeting.

1.56pm Mr McAleer returned to the meeting.

8. All-Party Groups

All-Party Pro Life Group

The Committee noted the Clerk's Paper.

Agreed: The Committee agreed that the Clerk should write to the Chairperson of the group (copied to the other members of the group) informing him that, as the group is not properly constituted, the matter should be resolved within four weeks or the Committee would have to give consideration to whether the group must cease to exist as a formal All-Party Group.

2.05pm Mr Eastwood left the meeting.

All-Party Group on Ageing and Older People

The Committee noted an application form for the formation of an All-Party Group on Ageing and Older People.

Agreed: The Committee agreed to the formation of an All-Party Group on Ageing and Older People.

9. Correspondence

Members noted correspondence dated 28th April 2015 from the Independent Financial Review Panel.

Members noted copy correspondence dated 12th March 2015 from the Attorney General for Northern Ireland to the Chairman of the Procedures Committee.

Members noted correspondence dated 18th May 2015 from the Committee for Social Development.

Agreed: Following discussion the Committee agreed that the Chairperson should write to the Committee for Social Development setting out the Committee's position.

10. Any other business

Mr Boylan asked for clarification with regard to a previous complaint considered by the Committee.

Agreed: The Committee agreed that the Clerk would respond to Mr Boylan directly.

11. Time, date and place of next meeting

Members noted that the next meeting of the Committee would take place on Wednesday, 3rd June 2015 at 1.00pm in room 21, Parliament Buildings.

The Chairperson adjourned the meeting at 2.10pm.

Mr Jimmy Spratt MLA
Chairperson, Committee on Standards and Privileges

3rd June 2015