

COMMITTEE ON STANDARDS AND PRIVILEGES

END OF SESSION REPORT

This is the end of session report of the Committee on Standards and Privileges of the Northern Ireland Assembly from 1st September 2014 to 31st August 2015.

Remit:

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. The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.

Powers:

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; and
- to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.

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.

Membership:

The membership of the Committee is as follows:

Mr Jimmy Spratt¹ (Chairperson)

Ms Anna Lo² (Deputy Chairperson)

Mr Steven Agnew

Mr Cathal Boylan

Mr Tom Buchanan^{3 4 5}

Mr Colum Eastwood⁶

Mr David Hilditch^{7 8}

Mr Declan McAleer^{9 10 11 12}

Mr Fra McCann

Mrs Sandra Overend¹³

Mr Robin Newton^{14 15 16}

¹ With effect from 10 December 2014 Mr Jimmy Spratt replaced Mr Alastair Ross as Chairperson

² With effect from 1 October 2013 Ms Anna Lo replaced Mr Kieran McCarthy

³ With effect from 3 December 2012 Mr Ian McCrea replaced Ms Paula Bradley

⁴ With effect from 8 December 2014 Mr Sammy Douglas replaced Mr Ian McCrea

⁵ With effect from 18 May 2015 Mr Tom Buchanan replaced Mr Sammy Douglas

⁶ With effect from 23 April 2012 Mr Colum Eastwood replaced Mr Patsy McGlone

⁷ With effect from 15 April 2013 Ms Paula Bradley replaced Mr Jonathan Craig

⁸ With effect from 6 October 2014 Mr David Hilditch replaced Ms Paula Bradley

⁹ With effect from 3 July 2012 Mr Alex Maskey replaced Mr Pat Doherty

¹⁰ With effect from 7 September 2012 Mr Francie Molloy replaced Mr Alex Maskey

¹¹ With effect from 7 April 2013 Mr Francie Molloy resigned as a Member

¹² With effect from 15 April 2013 Mr Declan McAleer replaced Mr Francie Molloy

¹³ With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Michael Copeland

¹⁴ With effect from 7 May 2013 Mr Sydney Anderson replaced Mr David McIlveen

¹⁵ With effect from 16 September 2013 Mr Mervyn Storey replaced Mr Sydney Anderson

¹⁶ With effect from 6 October 2014 Mr Robin Newton replaced Mr Mervyn Storey

Review of the Code of Conduct

1. During the 2013-14 session the Committee on Standards and Privileges commenced a comprehensive review of the current Code of Conduct and Guide to the Rules Relating to the Conduct of Members (“the Code of Conduct”). The review continued throughout the 2014-15 session during which the Committee heard oral evidence from the Assembly Commission and the Independent Financial Review Panel. The Committee also considered a number of further written submissions, research papers and legal advice.
2. As part of its review the Committee visited Dublin in February 2015 where it met its counterpart committee at Dáil Éireann and the Standards in Public Office Commission. The former Chair of the Committee also travelled to Cardiff in October 2014 where he met the Chair of the Standards of Conduct Committee at the National Assembly for Wales and the Welsh Standards Commissioner. These visits enabled the Committee to compare and contrast different approaches to maintaining standards through codes of conduct
3. On 10th June 2015 the Committee ordered a Report on the Review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members to be printed. The Report set out a new Code of Conduct and Guide to the Rules for the Assembly’s agreement.
4. The new Code and Guide includes:
 - A redefined purpose;
 - A clarified scope;
 - Eleven aspirational principles of conduct;
 - Twenty-one enforceable rules of conduct, including express rules in relation to:
 - Managing conflicts of interests
 - Upholding the law
 - Registering and declaring interests
 - The prohibition of the receipt of certain gifts
 - Paid advocacy
 - Misuse of payments, allowances or resources
 - Assembly policies, guidance and instructions
 - Treatment of confidential information
 - Interference with the performance by the Assembly of its functions
 - Abuse of the position as a Member
 - Not subjecting others to unreasonable and excessive personal attack
 - Investigations into complaints
 - Responsibility for staff

- Reporting details of approaches to breach the Code
 - Not urging other Members to contravene the Code
 - A clearer Guide to the Rules, which sets out more detailed requirements, provisions and guidance in relation to certain rules of conduct.
5. The Report was debated by the Assembly on 23rd June 2015 when the Assembly resolved:
- “That this Assembly notes the report of the Committee on Standards and Privileges on the review of the Code of Conduct and the Guide to the Rules Relating to the Conduct of Members [NIA 178/11-16]; agrees to the new Code of Conduct and Guide to the Rules set out in annex 1 of the report; and further agrees to the other recommendations contained within the report.”*
6. The new Code and Guide will come into effect after a review of Standing Order 69 has taken place to determine whether it should be amended to reflect the provisions of the new Code and Guide. It is anticipated that this review will take place at the start of the 2015-16 session.



The former Chair meets with the Chair of the Standards of Conduct Committee, Mr Mick Antoniw AM and the Welsh Standards Commissioner, Gerald Elias QC as part of the Committee’s review of the Code of Conduct.

The Register of Members' Interests

9. The Committee on Standards and Privileges has responsibility for examining the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests http://www.niassembly.gov.uk/globalassets/documents/your_mlas/register-of-interests/register-030715.pdf and any other registers of interest established by the Assembly, and to review from time to time the form and content of those registers. The first register of this mandate was published on 29th June 2011 following the delivery of awareness sessions to all new Members on the issue of Members' interests. Sixteen updated versions have since been published on the website, three of which during the period covered by this report.

All Party Groups

10. All-Party Groups <http://www.niassembly.gov.uk/Your-MLAs/All-Party-Groups/> provide a forum for MLAs from different parties to meet in order to consider and discuss shared interests in particular subjects. During the period covered by this report six new All-Party Groups were established. They are:
- The All-Party Group on Social Enterprise;
 - The All-Party Group on Housing;
 - The All-Party Group on China;
 - The All-Party Group on Animal Welfare;
 - The All-Party Group on Sport and Physical Recreation;
 - The All-Party Group on Ageing and Older People.

During this session the All-Party Group on Pro Life ceased to exist and was therefore removed from the Register of All-Party Groups.

The total number of current All-Party Groups is 42.

Complaints Against Members

11. The Committee considered a report from the Commissioner on an investigation which had been carried over from the previous mandate due to it being suspended pending the outcome of police investigations and other legal proceedings. The Committee agreed with the Commissioner that one of the Members who was the subject of the investigation had not breached the Code of Conduct and the other former Member who was also the subject of the investigation had made a serious breach of the Code of Conduct in respect of one aspect of the investigation. The Committee reported to the

Assembly. The Committee's Report to the Assembly may be accessed here

The Committee considered a report from the Commissioner on an investigation into an admissible complaint against a Member. The Committee agreed with the Commissioner, and reported to the Assembly, that the Member had breached the Code of Conduct in respect of one aspect of the complaint and the complaint was therefore upheld. The Committee recommended to the Assembly that it should impose a sanction upon the Member. The Assembly did not agree to do this. The Committee's Report to the Assembly may be accessed here

14. The Committee considered correspondence from the Commissioner on complaints in relation to fifteen incidents (from sixteen complainants) and agreed with the Commissioner that all of these complaints were inadmissible.
15. The Committee hopes that the introduction of the new Code of Conduct will reduce the number of inadmissible complaints by providing greater clarity to Members and the public as to what does and does not constitute acceptable conduct.

Meetings

16. The Committee held thirteen formal meetings during this session. Ten of these meetings were held in entirely closed session and three included both open and closed sessions. The number of closed sessions is due to the confidential nature of much of the Committee's work.

Other Business

17. The Committee noted the annual report of the Commissioner which was laid before the Assembly. The Commissioner set out work carried out and costs incurred since his appointment.

Expenditure

18. Details of the Committee's expenditure are shown in Annex A.

ANNEX A

Committee for Standards & Privileges

Expenditure for the period 1 September 2014 – 31 August 2015

| Budget area | Details | Expenditure |
|---|---|------------------|
| Committee Travel - committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings | Meeting with the Select Committee on Members' Interests of Dáil Éireann and the Standards in Public Office Commission to inform the Committee's review of the Code of Conduct - 25-26 th February 2015 | £831.06 |
| | Visit to the National Assembly for Wales to inform the Committee's review of the Code of Conduct – 16 th October 2014 | £678.89 |
| Printing of committee reports | Includes the cost of committee reports on: <ul style="list-style-type: none"> • The investigation into allegations made in the BBC Spotlight Programme broadcast on 7 January 2010; • The review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members; and • A complaint against Mr Sammy Wilson MLA | £3152.37 |
| Advertising – the cost of public notices relating to committee inquiries, the committee stage of Bills and meetings held outside Parliament Buildings | N/A | --- |
| General expenses | Cost of refreshments for committee meetings, working lunches, room hire, witness expenses, gifts provided by the committee during visits and conference fees for members. | £1,044.26 |
| Total Expenditure | | £5,706.58 |

Notes:

1. It is not necessary to break down costs for individual visits, reports etc. These should be described under “details”, with only totals included in the “expenditure” column.
2. It is not necessary to include budget areas on which there has been no expenditure.