

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 2013 to 31st August 2014.

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 No. 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, including specific complaints in relation to alleged breaches of any code of conduct to which the Assembly has agreed and which have been drawn to the Committee's attention; 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 Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)¹¹
Mr Steven Agnew
Mr Cathal Boylan
Ms Paula Bradley⁷
Mr Colum Eastwood²
Mr Declan McAleer^{3,4,6,8}
Mr Fra McCann
Mr Ian McCrea⁵
Mrs Sandra Overend¹
Mr Mervyn Storey^{9,10}

¹With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Michael Copeland

² With effect from 23 April 2012 Mr Colum Eastwood replaced Mr Patsy McGlone

³ With effect from 03 July 2012 Mr Alex Maskey replaced Mr Pat Doherty

⁴ With effect from 07 September 2012 Mr Francie Molloy replaced Mr Alex Maskey

⁵ With effect from 03 December 2012 Mr Ian McCrea replaced Ms Paula Bradley

⁶ With effect from 07 April 2013 Mr Francie Molloy has resigned as a Member

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

⁸ With effect from 15 April 2013 Mr Declan McAleer replaced Mr Francie Molloy

⁹ With effect from 07 May 2013 Mr Sydney Anderson replaced Mr David McIlveen

¹⁰ With effect from 16 September 2013 Mr Mervyn Storey replaced Mr Sydney Anderson

¹¹ With effect from 01 October 2013 Mrs Anna Lo replaced Mr Kieran McCarthy

Review of the Code of Conduct

1. During this session, the Committee on Standards and Privileges agreed to carry out a wholesale review of the current Code of Conduct and Guide to the Rules Relating to the Conduct of Members (“the Code of Conduct”) and to bring forward to the Assembly for its approval a new Code of Conduct. The Review is ongoing and the Committee plans to bring its proposed new Code of Conduct to the Assembly before Christmas 2014.
2. Alleged breaches of the current Code of Conduct are investigated by the Northern Ireland Assembly Commissioner for Standards (“the Commissioner”). Reports by the Commissioner are considered by the Committee on Standards and Privileges who ultimately decide whether or not a breach of the Code of Conduct has occurred.
3. Both the Committee and the Commissioner were aware that a number of aspects of the Code of Conduct should either be clarified and rewritten. The Committee also thought that it would be timely to carry out a review of the Code of Conduct in light of the relevant recommendations contained within:
 - The Committee on Standards in Public Life’s review of best practice in promoting good behaviour in public life (“Standards Matter”); (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf) and
 - The Council of Europe’s group of states against corruption (GRECO) fourth round evaluation report on the United Kingdom ([http://www.coe.int/t/dghl/monitoring/greco/news/News\(20130306\)Eval4UnitedKingdom_en.asp](http://www.coe.int/t/dghl/monitoring/greco/news/News(20130306)Eval4UnitedKingdom_en.asp))
4. The Terms of Reference for the Review can be found here (<http://www.niassembly.gov.uk/Your-MLAs/Code-of-Conduct/Committee-on-Standards-and-Privileges--Review-of-the-Assemblys-Code-of-Conduct/>)
5. In order to inform its Review, the Committee produced an issues paper in March 2014 (<http://www.niassembly.gov.uk/Your-MLAs/Code-of-Conduct/Committee-on-Standards-and-Privileges--Review-of-the-Assemblys-Code-of-Conduct/>) and invited evidence on the issues raised within it. It received written evidence from 20 stakeholders. It also heard oral evidence from the Northern Ireland Ombudsman, the Director for the Centre of Ethics at Queen’s University Belfast, the Equality Commission for Northern Ireland and the Committee for Standards in Public Life.
6. In addition, the Committee met with its counterparts during visits to Washington DC and Annapolis, Maryland (<http://www.niassembly.gov.uk/Assembly->

[Business/Committees/Standards-and-Privileges/Visit-to-Washington-DC-and-Annapolis-Maryland/](#)) and to the [Scottish Parliament](#). These visits enabled the Committee to compare and contrast approaches to maintaining standards through effective codes of conduct and to discuss specific areas that were identified in the GRECO and Committee for Standards in Public Life Reports (mentioned above).

7. The Committee will consider during the 2014/2015 session all evidence gathered alongside [research papers](#) at (<http://www.niassembly.gov.uk/Assembly-Business/Committees/Standards-and-Privileges/Research-Papers-2013/>) and legal advice provided to it as part of the review. It plans to bring forward a new proposed Code of Conduct to the Assembly prior to Christmas 2014.



The Committee meets with its counterparts at the Scottish Parliament

The Register of Members' Interests

8. 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/Documents/Your_MLAs/register-of-interests/register-040714.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. Thirteen updated versions have since been published on the website, four of which during the period covered by this report.

All Party Groups

9. 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 two new All-Party Groups were established. They are:

- The All-Party Group on Fair Trade;
- The All-Party Group on Trade Unions;

This brings the total number of All-Party Groups to 37.

Complaints Against Members

10. The Committee considered four reports from the Commissioner on investigations into admissible complaints against Members. In relation to three of these investigations the Committee agreed with the Commissioner and reported to the Assembly that each of the complaints was not upheld. In the case of the fourth investigation, the Committee agreed with the Commissioner, and reported to the Assembly, that the Member had breached the Code of Conduct. 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 Reports to the Assembly may be accessed here <http://www.niassembly.gov.uk/Assembly-Business/Committees/Standards-and-Privileges/Reports/>.
11. For the first time the Commissioner initiated his own investigation into the conduct of a Member. The Committee considered the Commissioner's report on this investigation and agreed with his decision that the Member's conduct did not constitute a breach of the Code.
12. The Committee brought forward a motion to appoint an Acting Commissioner to investigate complaints relating to one particular incident. This was because the Commissioner deemed he was subject to a perceived conflict of interest and recused himself from the investigation. The Assembly agreed to appoint Mr Stuart Allan, the then Commissioner for Ethical Standards in Public Life in Scotland, as an Acting Commissioner. The Committee subsequently considered the report of the Acting Commissioner on his investigation and agreed with him that the Member had not breached the Code of Conduct.
13. The Committee considered correspondence from the Commissioner on complaints in relation to twenty-one incidents (from fifty-two complainants) and agreed with the

Commissioner that all of these complaints were inadmissible. One incident generated complaints from twenty-four people.

14. The Committee hopes, through its Review of the Code of Conduct, to reduce the number of inadmissible complaints by providing greater clarity to Members and the public as to what does and does not constitute a breach of the Code of Conduct.

Meetings

15. The Committee held eighteen formal meetings during this session and one strategic planning session outside Parliament Buildings. Thirteen of these meetings were held in entirely closed session and five included both open and closed sessions. The number of closed sessions is due to the confidential nature of much of its work.

Other Business

16. The Committee noted the annual report of the Commissioner http://www.niassembly.gov.uk/Documents/Reports/Standards-and-Privileges/Commissioner_Annual_Report_2013_14.pdf which was laid before the Assembly. The Commissioner set out work carried out and costs incurred since his appointment. He also advised that he anticipates completing his work on an agreement with the PSNI on the reporting of offences under the 2011 Act.

Expenditure

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

ANNEX A**Committee for Standards & Privileges****Expenditure for the period 1 September 2013 – 31 August 2014**

Budget area	Details	Expenditure
Committee Travel - committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings	<p>Includes the cost of committee visits to:</p> <ul style="list-style-type: none">• Washington DC and Annapolis, Maryland to discuss issues in relation to the Committee's Review of the Code of Conduct <p>-Kate Sawyer Keane of Perkins Coie LLP -Delegate Brian McHale, Chair of the Joint Committee on Legislative Ethics -Rep Mike Conaway, Chair of the House of Ethics Committee -Tonia Smith, Senate Select Committee on Ethics - Office of Congressional Ethics</p> <ul style="list-style-type: none">• Visit to the Scottish Parliament to discuss issues in relation to the Committee's Review of the Code of Conduct <p>-Bill Thomson – Commissioner for Ethical Standards in Public Life</p> <p>-Members of the Standards, Procedures and Public Appointments Committee</p>	£13,271.92
Printing of committee reports	<p>Includes the cost of committee reports on:</p> <ul style="list-style-type: none">• Report on an investigation into the conduct of Mr Jimmy Spratt MLA• Report on complaints about the conduct of Mr Gerry Kelly MLA on 21 June 2013• Code of Conduct (Reprint for Review)• Report on complaints against Mr Gerry Kelly MLA• Report on a Complaint against Mr Phil Flanagan MLA• Report on a Complaint against Mr Jimmy Spratt MLA	£1,754.81

	<ul style="list-style-type: none"> • The Code of Conduct together with the Guide to the Rules Relating to the Conduct of Members • Report on a Complaint against Mr Alex Maskey MLA 	
Advertising – the cost of public notices relating to committee inquiries, the committee stage of Bills and meetings held outside Parliament Buildings	<p>Includes the cost of public notices in relation to:</p> <ul style="list-style-type: none"> • Review of the Code of Conduct 	£629.95
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.	£1,390
Total Expenditure		£17,046.68

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.