



**Northern Ireland  
Assembly**

## **Standards & Privileges Committee**

### **Legacy Report**

#### **Powers**

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.

The Committee has power to:

- consider specific matters relating to privilege referred to it by the Assembly;
- oversee the work of the Assembly Clerk of Standards;
- 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;
- consider any specific complaints made in relation to the registering or declaring of interests referred to it;
- consider any matter relating to the conduct of Members; and
- 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 Committee has 11 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Mr Paul Givan MLA, Chairperson
- Ms Anna Lo MBE MLA, Deputy Chairperson
- Mr Steven Agnew MLA
- Mr Cathal Boylan MLA
- Mr Gerard Diver MLA
- Mr Gordon Dunne MLA
- Mr David Hilditch MLA
- Mr Declan McAleer MLA
- Mr Fra McCann MLA
- Mr Robin Newton MLA
- Mrs Sandra Overend MLA

Further information on the Membership and changes to the membership can be found at **Appendix 1**.

## **Committee Work Areas**

### **The Register of Members' Interests**

The Committee on Standards and Privileges has responsibility for examining the arrangements 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. The first register of this mandate was published on 29 June 2011. Nineteen updated versions have since been published on the website four of which during the period covered by this report.

**NB** The Register will be published before the end of Mandate on 25<sup>th</sup> March 2016 and this is included in these numbers.

### **Appointment of the Northern Ireland Assembly Commissioner for Standards**

Mr Douglas Bain was appointed the Commissioner for Standards for a five year term from 17 September 2012.

### **All-Party Groups**

During the period covered by this report 34 new All-Party Groups were established. They are:

- The All-Party Group on Fair Trade;
- The All-Party Group on Trade Unions;
- 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 European Environmental Regulations, Directives and Decisions;
- The All-Party Group on Heart Disease and Stroke;
- The All-Party Group on Human Trafficking;
- The All-Party Group on Muscular Dystrophy;

- The All-Party Group on Neurology;
- The All-Party Group on Rugby;
- The All-Party Group on Science and Technology;
- The All-Party Group on Tourism;
- The All-Party Group on Football;
- The All-Party Group on Mental Health;
- The All-Party Group on Congenital Heart Disease;
- The All-Party Group on Cost of Motor Insurance in NI;
- The All-Party Group on Country Sports;
- The All-Party Group on Sport and Physical Recreation;
- The All-Party Group on Ageing and Older People;
- The All-Party Group on Congenital Heart Disease;
- The All-Party Group on Cost of Motor Insurance in NI;
- The All-Party Group on Country Sports;
- The All-Party Group on Cycling;
- The All-Party Group on Infertility;
- The All-Party Group on Organ Donation;
- The All-Party Group on Postal Issues;
- The All-Party Group on Renewable Energy;
- The All-Party Group on Small and Medium Sized Enterprises;
- The All-Party Group on Multiple Sclerosis;
- The All-Party Group on Tackling Educational Underachievement and Promoting Excellence for all;
- The All-Party Group on Human Life;
- The All-Party Group on Suicide.

The All-Party Group on Pro Life ceased to exist and was therefore removed from the Register of All-Party Groups. This brings the total number of All-Party Groups to 49.

## **Complaints against Members**

During the course of the Mandate the Committee published 14 Reports on complaints against members.

## **Privilege**

In March 2011 the Speaker referred a specific matter affecting the privilege of the Assembly to the Committee on Standards and Privileges. The matter was the unauthorised disclosure (leaking) of a draft Public Accounts Committee (PAC) report. The Committee agreed that the matter should be referred to the interim Commissioner for Standards for investigation.

The interim Commissioner presented his report on his investigation to the Committee at its meeting on 20 June 2012. The interim Commissioner was unable to identify with certainty the source of the unauthorised disclosure, but he did make a number of recommendations setting out additional "levels of assurance" that could be applied systematically to minimise the risk of a similar event in the future.

The Committee agreed that, as some of the interim Commissioner's specific recommendations were for others to implement, it was appropriate that these bodies should consider the recommendations and report back to the Committee on whether they were practical and how they might address them.

The Committee therefore published an initial Committee report on the investigation (with the interim Commissioner's full report included as an appendix) and agreed that following consultation with the relevant parties it would publish a full committee report addressing each of the interim Commissioner's recommendations. Responses were received from the Assembly Commission; the Comptroller and Auditor General; the Chairpersons' Liaison Group; and the Public Accounts Committee.

A full Committee report, incorporating these responses, was published on 13 March 2013. The Committee noted with satisfaction that the majority of the interim Commissioner's recommendations have since been implemented.

## **New Code of Conduct**

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.

The Committee concluded their review of the Code of Conduct and produced a Guide to the Rules Relating to the Conduct of Members in June 2015. The new Code and Guide includes:

- A redefined purpose;
- A clarified scope;
- Eleven aspirational principles of conduct;
- Twenty-one enforceable rules of conduct,
- A clearer Guide to the Rules, which sets out more detailed requirements, provisions and guidance in relation to certain rules of conduct.

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. The new code will come into effect at the beginning of the next Mandate.

### **Other business**

The Committee noted the former interim Assembly Commissioner for Standards' Legacy Report.

The Committee agreed the Directions for the Northern Ireland Assembly Commissioner for Standards which incorporated the 'Directions on General Procedures' and the 'Directions on the Code of Conduct and Requirement to Register Interests'. The Committee also agreed the 'Code of Conduct – Revised Complaints Procedure'.

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. He also advised of his intention to negotiate a memorandum of understanding with the PSNI, increase public awareness of his role, and contribute to the revision of the Code.

## **Issues for Incoming Mandate**

**New Direction** – The Committee agreed a new Direction for the Commissioner for Standards in March 2016. The incoming Committee will wish to monitor the implementation of the new Direction. In particular the Committee recommends that the incoming Committee give consideration to:

- The introduction of preliminary investigations and how this is working.
- How the process of “discontinuation” is working.
- Provision for a complainant to withdraw a complaint
- As in Scotland, possible provision for vulnerable witnesses.
- As in Scotland possible provision for witnesses to be accompanied.
- Provision for the Commissioner to provide a report ready for publication with material not suitable for publication (for example material which could not be published without breach of the HRA or Data Protection Act) provided to the Committee under separate cover.

**New Code of Conduct** – The Committee recommends that the incoming Committee monitors the effectiveness of the new Code of Conduct for Members and, if necessary, make amendments to the Code. The Committee also recommends that the incoming Committee should bring forward, at the earliest opportunity at the start of the new mandate, a motion affirming the new Assembly’s commitment to high ethical standards in general and, more specifically, to the new Code of Conduct. This would provide the new Assembly with a platform to give standards in public life the due prominence it deserves.

The incoming Committee may also wish to take forward the issue of a code of conduct for Members’ staff, this was a recommendation coming out of the Committee’s Review of the Code of Conduct for Members.

**Acting Commissioner** – The Committee appointed an Acting Commissioner, Mr Gerard Elias QC, the Welsh Commissioner for Standards, to consider a complaint that the Commissioner recused himself from. The Acting Commissioner has not been able to report to this Committee before dissolution. It will therefore be for the new Committee to consider the outcome of the Acting Commissioner’s considerations.

**Basil McCrea MLA Complaint** – The Commissioner advised the Committee in his report on complaints against Mr McCrea that he was unable to investigate one particular complaint as he was unable to interview a witness due to an ongoing police investigation. The Commissioner has advised the Committee that he will undertake this investigation at the earliest opportunity and report to the Committee in due course.

**Complaints against the Commissioner** – The Committee has received a number of complaints concerning the manner in which the Commissioner carried out aspects of his investigation into complaints against Mr Basil McCrea. The Committee was keen to put in place an independent process by which complaints against the Commissioner could be investigated. However, the Committee was unable to put a process in place before dissolution. The Committee would recommend that the incoming Committee consider this issue as a matter of urgency and put in place appropriate arrangements to consider these complaints.

**Provision of Papers by the Commissioner** – The Committee raised this issue in its report on an investigation by the Commissioner. The Committee agreed that there were a number of documents provided by the Commissioner as appendices to his Report that were irrelevant to his investigation, where not used by the Commissioner and in possible contravention of the data protection act or which may have breached duties of confidentiality. The Committee would recommend that the incoming Committee consider this issue and agree a framework with the Commissioner in relation to the provision of papers for Committee consideration.

**New Direction for the Code of Conduct and Requirement to Register Interests** – The Committee recommends that the incoming Committee should undertake a review of the Direction on the Code of Conduct and Requirement to Register Interests.

## **Summary of Final Session**

During the final session of the mandate the Committee has:

- Held 17 meetings.
- Reported on 2 investigations, namely:
  - Complaints against Basil McCrea MLA
  - Complaint against Barry McElduff MLA
- Registered 7 new Members' interests
- Registered 4 new All Party Groups



## Changes in Membership

Over the course of current mandate the Committee has had a number of membership changes. These are detailed below:

Mr Paul Givan<sup>1 2</sup> (Chairperson)  
Ms Anna Lo (Deputy Chairperson)<sup>3</sup>  
Mr Steven Agnew  
Mr Robin Newton<sup>4 5 6</sup>  
Mr Cathal Boylan  
Mr Gordon Dunne<sup>7 8 9 10</sup>  
Mr Gerard Diver<sup>11 12</sup>  
Mr David Hilditch<sup>13 14</sup>  
Mr Declan McAleer<sup>15 16 17 18</sup>  
Mr Fra McCann  
Mrs Sandra Overend<sup>19</sup>

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<sup>1</sup> With effect from 10 December 2014 Mr Jimmy Spratt replaced Mr Alastair Ross as Chairperson

<sup>2</sup> With effect from 28<sup>th</sup> September 2015 Mr Paul Givan replaced Mr Jimmy Spratt

<sup>3</sup> With effect from 1 October 2013 Mrs Anna Lo replaced Mr Kieran McCarthy

<sup>4</sup> With effect from 7 May 2013 Mr Sydney Anderson replaced Mr David McIlveen

<sup>5</sup> With effect from 16 September 2013 Mr Mervyn Storey replaced Mr Sydney Anderson

<sup>6</sup> With effect from 6 October 2014 Mr Robin Newton replaced Mr Mervyn Storey

<sup>7</sup> With effect from 3 December 2012 Mr Ian McCrea replaced Ms Paula Bradley

<sup>8</sup> With effect from 8 December 2014 Mr Sammy Douglas replaced Mr Ian McCrea

<sup>9</sup> With effect from 18 May 2015 Mr Tom Buchanan replaced Mr Sammy Douglas

<sup>10</sup> With effect from 5 October 2015 Mr Gordon Dunne replaced Mr Tom Buchanan

<sup>11</sup> With effect from 23 April 2012 Mr Colum Eastwood replaced Mr Patsy McGlone

<sup>12</sup> With effect from 7 January 2016 Mr Gerard Diver replaced Mr Colum Eastwood

<sup>13</sup> With effect from 15 April 2013 Ms Paula Bradley replaced Mr Jonathan Craig

<sup>14</sup> With effect from 6 October 2014 Mr David Hilditch replaced Ms Paula Bradley

<sup>15</sup> With effect from 3 July 2012 Mr Alex Maskey replaced Mr Pat Doherty

<sup>16</sup> With effect from 7 September 2012 Mr Francie Molloy replaced Mr Alex Maskey

<sup>17</sup> With effect from 7 April 2013 Mr Francie Molloy resigned as a Member

<sup>18</sup> With effect from 15 April 2013 Mr Declan McAleer replaced Mr Francie Molloy

<sup>19</sup> With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Michael Copeland

## Standards &amp; Privileges Committee

## Committee meetings &amp; visits

Session	Number of meetings held	Percentage minutes public / closed	Number of meetings held outside Parliament Buildings	Number of committee visits
2011-2012	10	Public: 33 Part Closed: Closed: 67	0	0
2012-2013	10	Public: 8 Part Closed: Closed:92	0	0
2013-2014	19	Public: 25 Part Closed: Closed:75	0	0
2014-2015	13	Public: 6 Part Closed: Closed:94	0	0
2015-2016	17	Public: 7 Part Closed: Closed:93	0	0

## Bills: N/A

Session	Name of Bill	Committee report (Ordered to print)
2011/2012		
2012/2013		
2013/2014		
2014/2015		
2015/2016		

## Committee Inquiries: N/A

Session	Name of report	Committee Report (ordered to print)	Date debated in Plenary

**Statutory Rules: N/A**

<b>Session</b>	<b>Number agreed by Committee</b>
2011/2012	
2012/2013	
2013/2014	
2014/2015	
2015/2016	

**Committee Reports (excluding Bill and Inquiry reports)**

<b>Session</b>	<b>Name of report</b>	<b>Date (date approved by Committee)</b>	<b>Date debated in Plenary (if appropriate)</b>
2011-2012	<a href="#">Report</a> on the Unauthorised Disclosure of a Draft Report of the Public Account Committee	20 June 2012	
2012-2013	<a href="#">Report</a> on a complaint by Mr Jason Johnston against Mr David McIlveen MLA	19 Sept 2012	
	<a href="#">End of Session Report</a> 2011-2012	12 November 2012	
	<a href="#">Report</a> on complaints against Mr Jim Wells from Ms Carál Ní Chuilín MLA and from Ms Mary McArdle	17 Oct 2012	
	<a href="#">Legacy Report</a> – former interim Assembly Commissioner for Standards	18 December 2012	
	<a href="#">Second Report</a> on the Unauthorised Disclosure of a Draft Report of the Public Accounts Committee	13 March 2013	

	<a href="#">Annual Report</a> of the Assembly Commissioner for Standards	27 May 2013	
	<a href="#">Report</a> on a Complaint against Mr Pat Ramsey MLA from Mr Bertie Faulkner OBE	5 June 2013	
	<a href="#">Report</a> on Complaint against Mr Dominic Bradley MLA	5 June 2013	
2013-2014	<a href="#">Report</a> on a Complaint against Mr Alex Maskey MLA	23 Sept 2013	
	<a href="#">End of Session Report 1</a> September 2012-31 August 2013	19 Nov 2013	
	<a href="#">Report</a> on complaint against Mr Jimmy Spratt MLA	20 January 2014	
	<a href="#">Report</a> on complaint against Mr Phil Flanagan MLA	20 January 2014	
	<a href="#">Report</a> on complaints against Mr Gerry Kelly MLA	10 March 2014	
	<a href="#">Report</a> on complaints about the conduct of Mr Gerry Kelly on 21 June 2013	4 June 2014	
	<a href="#">Report</a> of the Northern Ireland Assembly Commissioner for Standards for 2013-2014	25 June 2014	
	<a href="#">Report</a> on an investigation into the conduct of Mr Jimmy Spratt MLA	2 July 2014	

2014-2015	<a href="#">Report</a> on the investigation into allegations made in the BBC Spotlight Programme broadcast on 7 January 2010	26 Nov 2014	
	<a href="#">End of Session Report</a> 1 Sept 2013-Aug 2014	1 Sept 2014	
	<a href="#">Report</a> of the Northern Ireland Assembly Commissioner for Standards for 2014-2015	22 April 2015	
	<a href="#">Review</a> of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members	10 June 2015	
	<a href="#">Report</a> on a complaint against Mr Sammy Wilson MLA	10 June 2015	
2015-2016	<a href="#">End of Session report</a> 2014-2015	23 Sept 2015	
	<a href="#">Report</a> on a complaint against Mr Barry McElduff MLA	18 Nov 2015	
	<a href="#">Report</a> on complaints against Mr Basil McCrea MLA	3 March 2016	

## Witnesses

Session	Number of Organisations who give evidence to the committee
2011/2012	
2012/2013	
2013/2014	
2014/2015	
2015/2016	

## EXPENDITURE

### Standards & Privileges Committee

#### Expenditure for the period of 1 September 2015 – 1 March 2016

Budget Area	Details	Expenditure
<b>Committee Travel –</b> Committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings.	N/A	
<b>Printing of Committee Reports</b>	N/A	
<b>Advertising –</b> the cost of public notices relating to Committee inquiries, the Committee stage of Bills and meetings held outside Parliament Buildings	N/A	
<b>Consultancy Support –</b> The cost of specialist advisers appointed by the Committee and commissioned research.	N/A	
<b>General Expenses</b>	Cost of refreshments for Committee Meetings	828.20