



COMMITTEE ON STANDARDS AND PRIVILEGES

MINUTES OF PROCEEDINGS

**WEDNESDAY, 14 SEPTEMBER 2016
ROOM 21, PARLIAMENT BUILDINGS**

Present: Mr Cathal Boylan MLA (Chairperson)
Mr Adrian McQuillan MLA (Deputy Chairperson)
Mr Doug Beattie MC MLA
Ms Paula Bradshaw MLA
Ms Joanne Bunting MLA
Mr Gerry Carroll MLA
Ms Linda Dillon MLA
Mr Sammy Douglas MLA
Mrs Emma Little Pengelly MLA
Mr Sean Lynch MLA
Mr Richie McPhillips MLA

In Attendance: Mr Shane McAteer (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Clairita Frazer (Assistant Clerk)
Ms Alison Ferguson (Clerical Officer)

Apologies: None.

The meeting commenced at 10.32am in public session.

1. Apologies

As detailed above.

2. Declaration of Members' Interests

Members noted that they are obliged to declare any relevant financial or other interests before and during each Committee meeting.

Emma Little Pengelly informed members that she would absent herself from any deliberations in relation to the correspondence at agenda items 9.2 and 9.3.

3. Draft minutes of the meeting held on 22nd June 2016.

The draft minutes of the meeting held on 22nd June 2016 were agreed.

4. Matters Arising

Committee Work Programme.

Agreed: that the Committee will hold its strategic planning event on Wednesday 12 October 2016 in Parliament Buildings to discuss and agree priorities in relation to topics for inquiry/review during the mandate. Members will be advised of the meeting room in due course.

5. All Party-Groups (APGs): Update

The Committee noted that, to date, 27 APGs had been re-established in the new mandate.

The Committee noted that a number of APGs from the previous Assembly mandate had now ceased to exist.

Proposed APGs

The Committee noted that applications for 2 new APGs had been submitted to the Committee for approval.

Agreed: that the Committee is content to approve the application for an APG on Attention Deficit Hyperactivity Disorder (ADHD).

Emma Little Pengelly and Sammy Douglas declared interests as members of the APG on Domestic Violence.

Agreed: that the Committee is content to approve the application for an APG on Domestic Violence.

Review of APG Rules

The Committee was briefed on a potential review of the rules which govern APGs.

Agreed: that the Committee will proceed with the next steps outlined in the briefing paper by commissioning comparative research on the different rules and governance arrangements for APGs in other jurisdictions.

Agreed: that, in addition to the issues highlighted in the briefing paper, other issues which could be examined as part of any review into the APG rules should include:

- provisions to ensure that groups are accessible to all relevant stakeholders and in terms of ensuring that groups obtain a balance of stakeholder opinion;

- the case for extending the two-month period for reconstituting APGs in new mandates, to allow for recess periods which tend to fall a matter of weeks after Assembly elections;
- improved coordination of APG meetings and a potential requirement that meetings of APGs should be publicised on the relevant webpages; and
- the views of APG Chairpersons in terms of their experiences of how the rules have operated to date.

Agreed: that the potential review of APG rules will remain on the Committee's list of topics to be considered at the strategic planning event on 12 October 2016.

6. Assembly Research briefing: Lay Membership of Standards Committees

The Committee received a briefing from Assembly Research on the involvement of lay members on standards committees.

Agreed: to commission further research on: the rationale for other jurisdictions not including lay members on standards committees; and on the contributions made by lay members on standards committees.

Agreed: that the issue will remain on the Committee's list of topics to be considered at the strategic planning event on 12 October 2016.

7. Assembly Research briefing: Publication of Information on Complaints

The Committee received a briefing from Assembly Research on the publication of information on complaints.

Agreed: that the issue will remain on the Committee's list of topics to be considered at the strategic planning event on 12 October 2016.

The Committee moved into closed session at 11.36am in line with established protocol to consider items of correspondence on individual cases and to receive legal advice.

8. Correspondence from Commissioner for Standards regarding Complaints

The Committee received procedural advice and a briefing on the options for future Committee consideration of correspondence from the Commissioner for Standards regarding on-going complaints.

Agreed: to invite the Commissioner for Standards to join the meeting to discuss the matter with members.

Douglas Bain, the Commissioner for Standards joined the meeting at 11.38am.

*Paula Bradshaw left the meeting at 11.55am and returned at 11.59am
Linda Dillon left the meeting at 12.01pm*

Agreed: that, while following a similar approach to that adopted by the predecessor Committee in the last mandate, the Committee: will not consider correspondence received from the Commissioner, under paragraph 3.12 of the General Procedures Direction, advising of his decision that a complaint is inadmissible; and will not consider correspondence received from the Commissioner, under paragraph 7.7 of the General Procedures Direction, advising that an investigation of an admissible complaint has commenced, but the Clerk will instead provide the Committee with a summary of such correspondence received.

The Commissioner for Standards remained at the table to brief members during the next three agenda items.

9. Correspondence

Emma Little Pengelley absented herself until agenda item 10 at 12.10pm

Joanne Bunting left the meeting at 12.10pm

Sammy Douglas left the meeting at 12.11pm

9.1 Correspondence from the Commissioner, dated 28 August 2016, in relation to a complaint.

The Commissioner for Standards briefed members on the matter.

Agreed: that the Committee is content that the Commissioner for Standards need not continue his investigation in relation to the complaint referred to in the correspondence.

9.2 Correspondence from the Commissioner, dated 6 September 2016 in relation to 2 complaints.

The Commissioner for Standards briefed members on the matter.

Agreed: that the Committee is content to approve that the Commissioner discontinues consideration of the two complaints referred to in the correspondence.

9.3 Correspondence from the Committee for Finance.

Members considered correspondence from the Finance Committee asking the Standards and Privileges Committee to make a referral to the Commissioner for Standards to investigate the conduct of former MLA Daithi McKay and current MLA Máirtín O'Muilleoir arising from recently reported allegations regarding the previous Finance and Personnel Committee's NAMA Inquiry.

The Commissioner for Standards briefed members on considerations in relation to this potential referral. Members also noted related correspondence from the Acting Commissioner, Gerard Elias QC, dated 12 September 2016.

The Commissioner for Standards left the meeting at 12.38pm

Linda Dillon returned to the meeting at 12.41pm

Adrian McQuillan declared an interest as a member of the Finance and Personnel Committee during its NAMA Inquiry.

Agreed: to commission legal advice to inform the Committee's consideration of the Finance Committee's request that a referral be made to the Commissioner for Standards to investigate the conduct of former MLA Daithi McKay and current MLA Máirtín O'Muilleoir arising from recently reported allegations regarding the previous Finance and Personnel Committee's NAMA Inquiry. The legal advice will include: consideration of any legal issues in relation to the request as presented by the Finance Committee; and the scope of any terms of reference for such a referral, including the possibility of this being broadened to include the conduct of all the members on the previous Finance and Personnel Committee during the NAMA Inquiry.

Agreed: to write to the Finance Committee indicating that the Standards and Privileges Committee is considering the request carefully and is seeking legal advice to inform its position, which it will communicate to the Finance Committee as soon as possible.

Gerry Carroll left the meeting at 12.56pm

9.4 Change.Org – correspondence arising from online petition

Agreed: to note this correspondence, as there were no contact details provided to enable the Committee to explain the process for making complaints against MLAs.

9.5 Scottish Commissioner's Annual Report 2015-16

The Committee noted that the Scottish Commissioner's Annual Report for 2015-16 had been published on-line.

10. Assembly Legal Services briefing: Options for handling complaints against the Commissioner

Emma Little Pengelly returned to the meeting at 12.56pm

Gerry Carroll returned to the meeting at 12.57pm

Sean Lynch left the meeting at 12.59pm

The Head of Assembly Legal Services joined the meeting at 1.01pm and briefed members on legal advice on the considerations in respect of any decision by the Committee to put in place arrangements for considering complaints against the Commissioner for Standards.

Ritchie McPhilips left the meeting at 1.01pm

Paula Bradshaw left the meeting at 1.15pm

Gerry Carroll left the meeting at 1.19pm

Agreed: that the legal advice and options for considering complaints against the Commissioner for Standards would be considered again at the Committee's strategic planning event on 12 October 2016. In the meantime, further legal advice will be commissioned on the issue of dealing with retrospective complaints.

11. Any other business

None.

12. Time, date and place of next meeting

Members noted that the time, date and place of the next meeting of the Committee will be circulated in due course.

Agreed: that members would add the date of the strategic planning event on 12th October 2016 to their diaries.

The Chairman adjourned the meeting at 1.29pm.

Mr Cathal Boylan MLA

Chairperson, Committee on Standards and Privileges

TBC September 2016