



**Northern Ireland
Assembly**

COMMITTEE ON STANDARDS AND PRIVILEGES

MINUTES OF PROCEEDINGS

**WEDNESDAY, 24 FEBRUARY 2021
VIRTUAL MEETING USING STARLEAF**

Present: Ms Sinéad Ennis MLA (Chairperson)
Mr William Irwin MLA (Deputy Chairperson)
Mrs Pam Cameron MLA
Mr Stewart Dickson MLA
Mr Patsy McGlone MLA
Mr George Robinson MLA

Apologies: Mr Seán Lynch MLA

In Attendance: Mr Shane McAteer (Assembly Clerk)
Mrs Marie Austin (Senior Assistant Clerk)
Mr David McClure (Assistant Clerk)
Mr Jim Nulty (Clerical Supervisor)
Ms Alison Ferguson (Clerical Officer)

The meeting commenced at 12:48pm in open session.

1. Apologies

Apologies were received from Sean Lynch MLA.

2. Declaration of Members' Interests

Members were advised of the ongoing requirement to declare relevant financial or other interests as and when they arise on the Committee.

Pam Cameron declared an interest in respect of being the Chairperson of the proposed All-Party Group (APG) on Community Pharmacy (see Agenda item 5).

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 20 January 2021.

4. Matters Arising

Members were advised on the following matters arising which were not covered elsewhere on the Agenda:

- Proposed Standard & Privileges Committee Member Development Programme: that quotations have been sought for the training programme and that the specification has been revised to reduce the time commitment, as discussed at the last Committee meeting; and
- Functioning of Government (Miscellaneous Provisions) Bill: that legal advice has been commissioned on the implications of the Bill for the Committee's functions.

5. All-Party Group Update

Members considered an application for a new APG on Community Pharmacy which had been submitted to the Committee for approval.

Agreed: The Committee agreed that it is content to approve an application for an APG on Community Pharmacy

The meeting moved into closed session at 12:52pm

6. Rectification Procedure – Briefing from Assembly Legal Services

Members received briefings from the Committee Secretariat and from Assembly Legal Services on this agenda item. It was noted that a 'rectification procedure' is provided for in Assembly procedures allowing minor or inadvertent failures by Members to register or declare interests to be addressed by way of an apology from the Member concerned, without the need for the Committee to bring a report to the Assembly.

Agreed: The Committee agreed the following additional arrangements in relation to how the rectification procedure will operate in practice:

- 1) The apology to the Assembly (which will include details of the nature of the interest and a brief explanation of the failure as applicable) will be made:
 - (a) by means of a point of order in the Chamber when the failure to declare was in the Chamber;
 - (b) in person to the applicable Committee when the failure to declare was in that Committee;
 - (c) in writing to the Committee on Standards and Privileges (and published subsequently on the Committee's website) when the failure to declare involved one of the 'other occasions' cited in the *Code of Conduct and the Guide to the Rules relating to the Conduct of Members*; and
 - (d) in writing to the Committee on Standards and Privileges (and published subsequently on the Committee's website) in the case of a failure to register an interest (in addition to the Assembly Register of Members' Interests being rectified);
- 2) In the case of non-registration, a belated entry will be made in the current Assembly Register of Members' Interests with an explanatory note to read 'entry added or amended on (insert date), under the Rectification Procedure'; and
- 3) In individual cases in which the Commissioner for Standards has recommended use of the rectification procedure, the Commissioner will be informed by the Committee Clerk of the outcome of the Committee's decision on the matter and the Commissioner will subsequently inform the complainant accordingly.

Agreed: The Committee agreed the aforementioned arrangements will be reviewed in due course with a view to identifying any necessary refinements in light of experience.

7. Proposed use of Rectification Procedure for an individual case

Members noted the Committee protocol on the handling of protectively marked documents.

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on her correspondence dated 1 February 2021 and accompanying papers in relation to this agenda item.

Members considered a recommendation from the Commissioner for Standards that the rectification procedure be used to address an individual complaint case.

Agreed: The Committee agreed that the rectification procedure be applied to the complaint. This will mean that: the letter of apology from the Member complained of will be published on the Committee's webpage; the Member complained of will be advised of this outcome; and the Commissioner will inform the complainant accordingly.

8. Referral of a complaint to the Committee for further consideration

Members received a briefing from the Committee Secretariat on this agenda item.

Members also received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on her correspondence dated 9 February 2021 and accompanying papers in relation to this agenda item.

The Committee considered the complainant's request, under sub-paragraphs 3.13 and 3.14 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2016 ('the General Procedures Direction'), that it further considers the decision by the Commissioner for Standards that the complaint was inadmissible.

Agreed: The Committee agreed that, in accordance with sub-paragraph 3.14 of the General Procedures Direction, it considered the complaint to be inadmissible as per the Commissioner's decision.

Agreed: The Committee agreed that there would be benefit in social media awareness training being offered to all MLAs and that the Committee Secretariat will raise the issue with the appropriate Assembly authorities.

9. Draft Committee Report on Stage 1 of the Review of the Code of Conduct and Guide to the Rules

Members received a briefing from the Committee Secretariat on this agenda item and were reminded that the draft report was developed in line with the Committee's decisions on the general 'direction of travel' in relation to identified issues. Members undertook formal consideration of the draft report as follows:

Agreed: The Committee agreed that the Title Page, Committee Powers and Membership page and Table of Contents page, as drafted, stand part of the report.

Agreed: The Committee agreed that paragraphs 1-6, which form the 'Background' section, as drafted, stand part of the report.

Agreed: The Committee agreed that paragraph 7, regarding 'Issues Considered', as drafted, stands part of the report.

Agreed: The Committee agreed that paragraphs 8-15, regarding 'Registration Thresholds', as drafted, stand part of the report.

Agreed: The Committee agreed that paragraphs 16-21, regarding the 'Value or estimated value of gifts, benefits and hospitality and visits', as drafted, stand part of the report.

Agreed: The Committee agreed that paragraphs 22-23, regarding 'Other Issues', as drafted, stand part of the report.

Agreed: The Committee agreed that paragraphs 24-27, regarding 'Conclusions and Recommendations', as drafted, stand part of the report.

Agreed: The Committee agreed that the Annex to the Report, which sets out the proposed amendments (displayed as tracked changes) to the Assembly *Code of Conduct and the Guide to the Rules relating to the Conduct of Members*, as drafted, stands part of the report.

Agreed: The Committee agreed that Appendix 1, which is entitled ‘Threshold values for registrable interests in UK and Irish Legislatures’, as drafted, stands part of the report.

Agreed: The Committee agreed that Appendix 2, which is entitled ‘Written submission from the Commissioner for Standards’, stands part of the report.

Agreed: The Committee agreed that Appendix 3, which is entitled ‘Minutes of Proceedings relating to the Review’, stands part of the report.

Agreed: The Committee agreed that the report be the first Report of the Committee on Standards and Privileges in the 2017-22 Mandate.

Agreed: The Committee agreed that the *Report on the Review of the Code of Conduct and the Guide to the Rules relating to the Conduct of Members: Stage 1* be published online on the Assembly’s webpages on commencement of the applicable Assembly debate.

Members were advised that all MLAs will be notified by the Business Office of the publication of the report.

Agreed: The Committee agreed that, where necessary, the Chairperson approves an extract of the Minutes of Proceedings for today’s meeting that deals with the consideration of the report, in order to allow time for it to be included in the Report.

Agreed: The Committee agreed that a draft plenary motion seeking Assembly approval of the Report and the recommended revisions to the *Code of Conduct and the Guide to the Rules relating to the Conduct of Members* will be circulated to Committee members to agree via correspondence, under temporary Standing Order 115(9). The finalised motion will then be tabled for debate in the Assembly.

10. Correspondence

10.1 Members noted a memo from the Public Accounts Committee regarding its Forward Work Programme.

10.2 Members noted correspondence from the Clerking and Member Support Office regarding potential actions for committees to discuss in order to minimise face-to-face interaction and reduce risk at committee meetings during the pandemic.

11. Any Other Business

Members were reminded of the recommendation in the *New Decade New Approach* (NDNA) Agreement (paragraph 1.12 of Annex A) that:

‘The Assembly Committee on Standards and Privileges will be enhanced by the appointment of 3 independent lay members with voting rights.’

Agreed: The Committee agreed to commission legal advice on how best the NDNA recommendation could be implemented.

12. Time, date and place of next meeting

The date, time and place of the next meeting will be communicated to Members in due course.

The Chairperson adjourned the meeting at 13:55pm

Ms Sinéad Ennis MLA

Chairperson, Committee on Standards and Privileges

28 April 2021