



Northern Ireland
Assembly

Committee on Standards and Privileges

Minutes of Proceedings

2 March 2022

Meeting Location: Virtual Meeting via Microsoft Teams

Present by Video or Teleconference:

Ms Linda Dillon MLA (Chairperson)
Ms Sinéad Bradley MLA
Ms Pam Cameron MLA
Mr Stewart Dickson MLA

Apologies:

Dr Steve Aiken OBE MLA
Mr Patsy McGlone MLA

In Attendance by Video or Teleconference:

Mr Shane McAteer (Assembly Clerk)
Ms Karen Barry (Assistant Clerk)
Dr Simon Gallaher (Clerical Supervisor)
Ms Alison Ferguson (Clerical Officer)

Agreed: The Committee agreed to commence the meeting in closed session.

The meeting commenced at 12.46pm in closed session.

Agreed: Members agreed that, in the event of the meeting being adjourned due to loss of quorum, any decisions that were due to be taken at today's meeting are instead taken via correspondence under temporary Standing Order 115(9).



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1. Apologies

As noted above.

The Clerk advised the Committee that Patsy McGlone had provided notification that he had delegated authority, under Standing Order 115(6), to Sinéad Bradley to vote on his behalf at today's meeting.

The Clerk advised the Committee that Declan McAleer had provided notification that he had delegated authority, under Standing Order 115(6), to the Chairperson to vote on his behalf until further notice.

The Clerk advised the Committee that Áine Murphy had provided notification that she had delegated authority, under Standing Order 115(6), to the Chairperson to vote on her behalf until further notice.

The Clerk advised the Committee that Steve Aiken had provided notification that he had delegated authority, under Standing Order 115(6), to Pam Cameron to vote on his behalf at today's meeting and until 7 March 2022. However, Pam Cameron had clarified that it would not be appropriate for her to hold Steve Aiken's vote for agenda items 5 and 6.

2. Declaration of Interests

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

Sinéad Bradley declared an interest as having a family member who was a previous patient of the neurologist mentioned in the complaints being considered under agenda item 7.

Pam Cameron declared an interest as a member of the Committee for Health, which has dealt with subject areas relevant to the complaints being considered under agenda item 7.



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3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 23 February 2022.

4. Matters Arising

There were no matters arising.

5. Complaint against a Member – Oral hearing from the member

Stewart Dickson joined the meeting at 12.55pm.

The Committee noted that the Member who is the subject of the complaint had provided notification that they would be unable to attend the scheduled oral hearing today and that they had instead provided a written submission in response to the investigation report by the Commissioner for Standards ('the Commissioner').

The Committee considered the Member's written submission, received on 1 March 2022, and noted that this raised issues in relation to the investigatory process.

Agreed: The Committee agreed to immediately forward a redacted copy of the Member's written submission to the Commissioner in order for her to attend today's meeting and be given the opportunity to provide a factual response to it, before the Committee undertook its deliberation on the case.

The Commissioner for Standards, Dr Melissa McCullough, joined the meeting at 1.11pm.

The Commissioner provided the Committee with an oral factual response to the Member's written submission.

The Commissioner for Standards left the meeting at 1.37pm.



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6. Complaint against a Member – Legal advice and Committee deliberation

Rebecca Ellis, Assembly Legal Adviser, joined the meeting at 1.38pm.

Members received legal advice from Assembly Legal Services regarding a complaint against a Member.

Agreed: The Committee agreed that, while it will endeavour to conclude its deliberation on the complaint case and publish its report in advance of dissolution, the investigation report by the Commissioner will be published prior to dissolution in order to fulfil the related statutory duty on the Assembly.

Pam Cameron left the meeting at 2.00pm.

The Committee deliberated on a complaint against a Member which included various allegations of breaches of the Assembly Code of Conduct.

The Committee considered each of the allegations which had been made against the Member, together with the evidence, findings of fact and reasoned decisions of the Commissioner, as set out in her investigation report.

Agreed: The Committee agreed that, while it will aim to achieve consensus on each of the decisions taken in relation to the complaint case, if this is not possible, the details of any divisions will be included in the body of the Committee's report.

The Committee received a recap of the legal advice which it had commissioned from Assembly Legal Services both in relation to each of the alleged breaches of the Assembly Code of Conduct contained in the complaint case and in relation to breaches of rules of conduct which had been cited by the Commissioner.

Agreed: In relation to Allegation 1, which pertained to Rule 17 of the Assembly Code of Conduct, the Committee agreed with the Commissioner's reasoned decision that there was no breach of Rule 17.

Agreed: The Committee agreed that, because the scope of Section 33 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 ('the 2011 Act') is open to interpretation, the Committee will set aside consideration of any potential contravention of this statutory requirement



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and decide, as a separate matter, whether the Member breached Rule 12 of the Assembly Code of Conduct.

Agreed: In relation to Rule 12 of the Assembly Code of Conduct, given the specific circumstances of the case, the Committee agreed to find that the Member's conduct was in breach of Rule 12.

Agreed: In relation to the Commissioner's finding that the Member had breached Rule 16 of the Assembly Code of Conduct, the Committee agreed with the Commissioner's reasoned decision that there was a breach of Rule 16.

The Committee noted that Rule 13 of the Assembly Code of Conduct had been cited during the Commissioner's briefing on 23 February 2022, but the Committee did not consider whether this rule had been breached as it had not been examined in the Commissioner's investigation report.

In light of its findings of breaches of rules of conduct 12 and 16, the Committee considered whether a sanction is warranted.

Agreed: The Committee agreed that, while its view is that the circumstances of the case warrant a recommendation being made to the Assembly for the imposition of a sanction upon the Member under Standing Order 69B, given that there would be insufficient time remaining in the current mandate to bring any recommended sanction to the Assembly, the Committee will propose that the successor Committee identifies an appropriate sanction and tables the necessary plenary motion in the next Assembly as applicable.

Agreed: The Committee agreed with the Commissioner's finding that the Member's conduct was inconsistent with the Respect principle and with the Leadership principle within the Seven Principles of Public Life; and the Committee further agreed that the draft Committee report will highlighted the importance of all Members striving to adhere to the principles of conduct contained in the Assembly Code of Conduct, while recognising that the principles of conduct are aspirational rather than enforceable.

Agreed: The Committee agreed that, given the limited time remaining in the current mandate, it will recommend in its Legacy Report that the successor Committee takes forward the Commissioner's recommendations regarding: amending the wording of rules of conduct 16 and 17 to underpin the confidentiality requirements attaching to complaints; improving the provisions in the 2011 Act regarding notices; and amending the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures)



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Direction 2021 ('the General Procedures Direction') to recognise the Commissioner's discretion on admissibility requirements.

The Committee noted that the Clerk will prepare a draft Committee report on the complaint case, which will be considered at the next Committee meeting.

7. Referral of complaints to the Committee for further consideration

Pam Cameron re-joined the meeting at 3.47pm.

Pam Cameron declared an interest in relation to this agenda item, as the complainant may have been in contact with her constituency office.

Members were briefed by the Committee Clerk on the applicable procedures in relation to agenda item 7.

The Acting Commissioner for Standards, Mr Douglas Bain, joined the meeting at 3.44pm.

The Committee received a briefing from the Acting Commissioner for Standards on his correspondence dated 14 February 2022 and accompanying papers in relation to this agenda item.

The Acting Commissioner for Standards left the meeting at 4.01pm.

The Committee considered the complainant's request, under sub-paragraphs 3.13 and 3.14 of the General Procedures Direction, that it further considers the decision by the Acting Commissioner for Standards that the complaints were inadmissible.

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



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8. Correspondence

There was no correspondence to be considered.

9. Any Other Business

There was no other business.

10. Date, Time and Place of the next meeting

Members noted that the final meeting of the Committee in the current mandate will be held on Wednesday, 23 March 2022 at 12:40pm and that the meeting place/format will be confirmed in due course.

The meeting was adjourned at 4.02pm.

Linda Dillon MLA,
Chairperson, Standards and Privileges Committee

23 March 2022