



Northern Ireland
Assembly

Committee on Standards and Privileges

Minutes of Proceedings

12 June 2024

Meeting Location: Room 106, Parliament Buildings

Present:

Carál Ní Chuilín MLA (Chairperson)

Stewart Dickson MLA (Deputy Chairperson)

Connie Egan MLA

Paul Frew MLA

Harry Harvey MLA

Brian Kingston MLA

Cathy Mason MLA

Apologies:

Jemma Dolan MLA

Colin McGrath MLA

In Attendance:

Shane McAteer, Committee Clerk

Nick Mitford, Senior Assistant Clerk

Elaine Farrell, Assistant Clerk

Alison Ferguson, Clerical Supervisor

Thomas McConville, Clerical Officer

The meeting commenced at 10:00 a.m. in closed session

1. Apologies

As noted above.

2. Declaration of interests

The Chairperson advised Members of the ongoing requirement to declare relevant financial or other interests as and when they arise and before taking part in any Assembly proceedings, including Committee proceedings, relating to that matter.

No interests were declared.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 29 May 2024.

4. Matters Arising

The Committee Clerk briefed Members on: a written submission received from a respondent in a ministerial complaint case; the subsequent reply from the Commissioner for Standards (“the Commissioner”) to this and to other submissions from respondents in this and another ministerial complaint case; and related legal advice requested by the Committee.

Agreed: The Committee agreed to share the Commissioner’s response to the respondents’ submissions with the respondents prior to publication of

the Committee reports on the complaints and to advise that no further exchange of comments between the respondents and the Commissioner will be accepted.

5. Deliberation on a complaint against a Member

The Committee Clerk briefed the Committee on the background to this agenda item before the Committee commenced its deliberation of the complaint case.

Agreed: The Committee agreed that it concurs with the Commissioner's reasoned decision in relation to allegation 1, that the respondent has breached Rule 1 of the Assembly Code of Conduct, and the Committee therefore upholds allegation 1.

Agreed: The Committee agreed that, in light of the legal advice it received, it does not concur with the Commissioner's reasoned decision in relation to allegation 2, that the respondent has breached Rule 5 of the Code of Conduct, and therefore does not uphold allegation 2. The Committee further agreed that it will explain the rationale for its decision in its report on the complaint case.

Agreed: The Committee agreed that it concurs with the Commissioner's reasoned decision in relation to allegation 3, that the respondent has breached Rule 14 of the Code of Conduct, and the Committee therefore upholds allegation 3.

Agreed: The Committee agreed to establish what further guidance may be needed for MLAs on corresponding, including using Assembly resources, in a personal capacity as opposed to in their capacity as a Member.

Agreed: The Committee agreed that it concurs with the Commissioner's reasoned decision in relation to allegation 4, that the respondent has not breached Rule 15 of the Code of Conduct, and the Committee therefore does not uphold allegation 4.

- Agreed:** The Committee agreed that it concurs with the Commissioner's conclusion in relation to allegation 5, that the respondent failed to observe the Selflessness principle of public life, and the Committee therefore upholds allegation 5.
- Agreed:** The Committee agreed that, it in light of its decision not to uphold allegation 2, it does not concur with the Commissioner's conclusion in relation to allegation 6, that the respondent failed to observe the Openness and Integrity principles of public life, and the Committee therefore does not uphold allegation 6.
- Agreed:** The Committee agreed that it concurs with the Commissioner's conclusion in relation to allegation 7, that the respondent failed to observe the Objectivity principle of public life, and the Committee therefore upholds allegation 7.
- Agreed:** The Committee agreed that, due to insufficient evidence, it does not uphold allegation 8, that the respondent failed to observe the Promoting Good Relations principle.
- Agreed:** The Committee agreed that the respondent's conduct brought the Assembly into disrepute, including in failing to observe the Selflessness and Objectivity principles of public life.
- Agreed:** The Committee agreed to explain in its report on the complaint case that it would have recommended that a sanction be imposed by the Assembly had the respondent remained an MLA.
- Agreed:** The Committee agreed that, on the basis of the legal advice received, additional redactions will be made to the Commissioner's investigation report (which will also be applied to the Committee's report where applicable) before publication.
- Agreed:** The Committee agreed that, on the basis of both the position taken by the Commissioner and the legal advice received, it will not pursue the further matters regarding the respondent's conduct in relation to the case, arising from correspondence which the Commissioner had

received from a public representative, and that the reasoning for this will be outlined in the Committee report.

Noted: The Committee noted that a draft report on the complaint case will be drafted for consideration at the meeting on 26 June 2024, alongside a draft press release.

The Committee discussed correspondence from the complainant, dated 6 June 2024, regarding the timescale for publication of the Committee report on the case.

Agreed: The Committee agreed to write in response to the complainant to advise that their correspondence has been noted.

The Committee Clerk briefed Members on draft Terms of Reference for a referral to the Commissioner, under Standing Order 69A(5)(a)(i), to investigate an allegation of a leak of confidential information on the complaint case to the media.

Agreed: The Committee agreed, subject to minor amendment, the draft Terms of Reference for a referral to the Commissioner, to investigate an allegation of a leak of confidential information on the complaint case to the media.

Agreed: The Committee agreed that the rationale for the decision to make the referral to the Commissioner will be explained in its report on the complaint case.

6. Further consideration of an inadmissible complaint

The Commissioner for Standards, Dr Melissa McCullough, joined the meeting at 11:16 a.m. and briefed the Committee on the further consideration of her decision that a complaint was inadmissible.

Agreed: The Committee agreed that it concurs with the Commissioner's decision that the complaint is inadmissible.

7. Legacy issue: Unacceptable Behaviours Policy

The Committee Clerk briefed Members on the recommendation in the Legacy Report 2017-2022 of the previous Committee that its successor Committee takes forward the recommendations contained in the *Report on the development of an Unacceptable Behaviours Policy*.

Agreed: The Committee agreed that the policy consultation document should issue to all MLAs via email.

Agreed: The Committee agreed that the policy consultation document should issue to the general public via the Assembly social media/consultation platforms.

Agreed: The Committee agreed that, following the outcome of the policy consultation, it will commission legal advice on any consequential amendments required to the Code of Conduct and related procedures.

8. Correspondence

Noted: The Committee noted the correspondence, dated 30 May 2024, from the Committee on Procedures on its Forward Work Programme.

Noted: The Committee noted the correspondence, dated 3 June 2024, from the Assembly Communication Office on the use of Zoom for attendance at committee meetings.

Noted: The Committee noted the correspondence, dated 7 June 2024, from the Head of the Assembly Information Systems Office on the extension of the deadline for the Constituency Office Survey.

Noted: The Committee noted the correspondence, dated 29 May 2024, from the House of Commons Committee on Standards on its report entitled, “The House of Commons standards landscape: how MPs’ standards and conduct are regulated”.

9. AOB

None.

10. Date, Time and Place of the next meeting

The next meeting of the Committee on Standards and Privileges will take place on Wednesday 26 June 2024 at 10.00 a.m. in Room 106.

The meeting was adjourned at 11:35 a.m.

Carál Ní Chuilín MLA

Chairperson, Committee on Standards and Privileges

26 June 2024