



Northern Ireland
Assembly

Committee on Standards and Privileges

Minutes of Proceedings

26 June 2024

Meeting Location: Room 106, Parliament Buildings

Present:

Stewart Dickson MLA (Deputy Chairperson)

Connie Egan MLA

Paul Frew MLA

Harry Harvey MLA

Brian Kingston MLA

Present by video or teleconference:

Carál Ní Chuilín MLA (Chairperson)

Cathy Mason MLA

Apologies:

Jemma Dolan MLA

Colin McGrath MLA

In Attendance:

Shane McAteer, Committee Clerk

Elaine Farrell, Assistant Clerk

Alison Ferguson, Clerical Supervisor

Thomas McConville, Clerical Officer

Helen Smyth, Legal Advisor (agenda item 5)

Present by video or teleconference:

Nick Mitford, Senior Assistant Clerk

The meeting commenced at 10.01 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 12 June 2024.

Mr Frew joined the meeting at 10.03 a.m.

4. Matters Arising

The Committee considered legal advice received on the implications of publishing or not publishing three complaint case reports (to be considered under agenda items 6, 7 and 8) before the General Election.

Agreed: The Committee agreed, based on the legal advice received, not to publish its three complaint case reports until noon on 5 July 2024.

5. Committee adjudication of complaints against Ministers of alleged breaches of the Ministerial Code of Conduct – briefing by Assembly Legal Services

The Clerk briefed the Committee on the background to this agenda item.

Helen Smyth, Legal Advisor, joined the meeting at 10.08 a.m.

Ms Smyth briefed Members on the requested legal advice and this was followed by a question and answer session.

The Chairperson thanked Ms Smyth for her briefing.

Ms Smyth left the meeting at 10:50 a.m.

Agreed: The Committee agreed that the secretariat will draft a policy options paper on the considerations as regards the Committee taking on the role of adjudicating on complaints against Ministers, which the Committee will use as a basis for consulting the Assembly parties and the Committee on Procedures before final decisions are made on proposed amendments to Standing Orders.

6. Complaints against a Member – consideration of draft Committee Report

Members considered a draft Committee report on a complaint against a Member, which was developed to reflect and explain the Committee's decisions on the complaint case taken at the meeting on 12 June 2024.

Members undertook formal consideration of the draft report as follows:

Agreed: The Committee agreed that the Title Page, Table of Contents, Powers and Membership, and List of Abbreviations stand part of the report, subject to the embargo date on the Title Page being amended to read “5 July 2024”.

Agreed: The Committee agreed that the ‘Introduction’ section, at paragraphs 1 to 2, stands part of the report.

Agreed: The Committee agreed that the ‘Role of the Committee’ section, at paragraphs 3 to 5, stands part of the report.

Agreed: The Committee agreed that the ‘Background’ section, at paragraphs 6 to 13, stands part of the report.

Agreed: The Committee agreed that the ‘Allegations’ section, at paragraphs 14-16, stands part of the report.

Agreed: The Committee agreed that the ‘Relevant Rules in the Members’ Code of Conduct’ section, at paragraph 17, stands part of the report.

Agreed: The Committee agreed that the ‘Relevant Principles of Conduct’ section, at paragraphs 18-20, stands part of the report.

Agreed: The Committee agreed that the ‘Commissioner’s Investigation’ section at paragraphs 21-22, stands part of the report.

Agreed: The Committee agreed that the ‘Commissioner’s Reasoned Decision’ section, at paragraphs 23-25, stands part of the report.

Agreed: The Committee agreed that the ‘Committee’s consideration and conclusions’ section, at paragraphs 26-48, stands part of the report.

Agreed: The Committee agreed that the ‘Sanctions’ section at paragraph 49, stands part of the report.

Agreed: The Committee agreed that the ‘Supplementary issues’ section at paragraphs 50-53, stands part of the report.

Agreed: The Committee agreed that the ‘Links to Appendices’, at page 47, stands part of the report.

Agreed: The Committee agreed that any necessary further redactions identified by Legal Services, for the purposes of complying with data protection obligations, are made to the report prior to publication.

Agreed: The Committee agreed that the report be the second report of the Committee on Standards and Privileges in the 2022-2027 Mandate.

Agreed: The Committee agreed that the Chairperson will agree the minutes of the meeting today so that they may be included in the Minutes of Proceedings appendix to the report.

Agreed: The Committee agreed that the report will be published online on the Assembly website at noon on 5 July 2024 and will remain embargoed until then.

Agreed: The Committee agreed to provide the complainants and the respondent with a copy of the embargoed report one hour in advance of publication, in line with normal practice.

Agreed: The Committee agreed that a copy of the report will be laid in the Assembly Business Office, which will be available for viewing by MLAs once the embargo has expired.

Agreed: The Committee agreed that a link to the report will be emailed to all MLAs following publication on the Assembly website.

Agreed: The Committee agreed the draft press release to issue following publication of the report on the Assembly website.

Agreed: The Committee agreed that the Communications Office will issue a short, factual tweet to signpost the press release.

7. Complaint against Ministers – consider of draft Committee Report

Members considered a draft Committee report on a complaint against Ministers, which was developed to reflect and explain the Committee's decisions on the complaint case taken at the meeting on 29 May 2024.

Members undertook formal consideration of the draft report as follows:

Agreed: The Committee agreed that the Title Page, Table of Contents, Powers and Membership, and List of Abbreviations stand part of the report, subject to the embargo date on the Title Page being amended to read “5 July 2024”.

Agreed: The Committee agreed that the ‘Introduction’ section, at paragraphs 1 to 2, stands part of the report.

Agreed: The Committee agreed that the ‘Role of the Committee’ section, at paragraphs 3 to 5, stands part of the report.

Agreed: The Committee agreed that the ‘Background’ section, at paragraphs 6 to 11, stands part of the report.

Agreed: The Committee agreed that the ‘Commissioner’s findings of fact and reasoned decisions’ section, at paragraphs 12-14, stands part of the report.

Agreed: The Committee agreed that the ‘Committee’s consideration and conclusions’ section, at paragraphs 15-21, stands part of the report.

Agreed: The Committee agreed that the ‘Links to Appendices’, at page 15, stands part of the report.

Agreed: The Committee agreed that any necessary further redactions identified by Legal Services, for the purposes of complying with data protection obligations, are made to the report prior to publication.

Agreed: The Committee agreed that this report be the third report of the Committee on Standards and Privileges in the 2022-2027 Mandate.

Agreed: The Committee agreed that the Chairperson will agree the minutes of the meeting today so that they may be included in the Minutes of Proceedings appendix to the report.

Agreed: The Committee agreed that the report will be published online on the Assembly website at noon on 5 July 2024 and will remain embargoed until then.

Agreed: The Committee agreed to provide the complainants and the respondents with a copy of the embargoed report one hour in advance of the publication, in line with normal practice.

Agreed: The Committee agreed that a copy of the report will be laid in the Assembly Business Office, which will be available for viewing by MLAs once the embargo has expired.

Agreed: The Committee agreed that a link to the report will be emailed to all MLAs following publication on the Assembly website.

Agreed: The Committee agreed the draft press release to issue following publication of the report on the Assembly website.

Agreed: The Committee agreed that the Communications Office would issue a short, factual tweet to signpost the press release.

8. Complaint against a Minister – consideration of draft Committee Report

Members considered a draft Committee report on a complaint against a Minister, which was developed to reflect and explain the Committee's decisions on the complaint case taken at the meeting on 29 May 2024.

Members undertook formal consideration of the draft report as follows:

Agreed: The Committee agreed that the Title Page, Table of Contents, Powers and Membership, and List of Abbreviations stand part of the report, subject to the embargo date on the Title Page being amended to read "5 July 2024".

Agreed: The Committee agreed that the 'Introduction' section, at paragraphs 1 to 2, stands part of the report.

Agreed: The Committee agreed that the 'Role of the Committee' section, at paragraphs 3 to 5, stands part of the report.

Agreed: The Committee agreed that the 'Background' section, at paragraphs 6 to 11, stands part of the report.

Agreed: The Committee agreed that the 'Commissioner's findings of fact and reasoned decision' section, at paragraphs 12-22, stands part of the report.

- Agreed:** The Committee agreed that the 'Committee's consideration and conclusions' section, at paragraphs 23-29, stands part of the report.
- Agreed:** The Committee agreed that the 'Links to Appendices', at page 15, stands part of the report.
- Agreed:** The Committee agreed that any necessary further redactions identified by Legal Services, for the purposes of complying with data protection obligations, are made to the report prior to publication.
- Agreed:** The Committee agreed that the report be the fourth report of the Committee on Standards and Privileges in the 2022-2027 Mandate.
- Agreed:** The Committee agreed that the Chairperson will agree the minutes of the meeting today so that they may be included in the Minutes of Proceedings appendix to the report.
- Agreed:** The Committee agreed that the report will be published online on the Assembly website at noon on 5 July 2024 and will remain embargoed until then.
- Agreed:** The Committee agreed to provide the complainants and the respondent with a copy of the embargoed report one hour in advance of publication, in line with normal practice.
- Agreed:** The Committee agreed that a copy of the report will be laid in the Assembly Business Office, which will be available for viewing by MLAs once the embargo has expired.
- Agreed:** The Committee agreed that a link to the report will be emailed to all MLAs following publication on the Assembly website.
- Agreed:** The Committee agreed the draft press release to issue following publication of the report on the Assembly website.
- Agreed:** The Committee agreed that the Communications Office will issue a short, factual tweet to signpost the press release.

9. Commissioner for Standards Annual Report 2023-24

The Commissioner for Standards, Dr Melissa McCullough, joined the meeting at 11.10 a.m. The Commissioner briefed the Committee on her Annual Report 2023-24 and this was followed by a question and answer session.

The Chairperson thanked the Commissioner for her briefing.

10. Further consideration of a decision on an inadmissible complaint

The Commissioner for Standards 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.

11. AOB

Agreed: The Committee agreed to delegate authority to the Chairperson and Deputy Chairperson to submit views on the releasing or withholding of information in any non-routine or contentious Freedom of Information requests received by the Committee during the summer recess period.

Noted: The Committee noted that the Chairpersons' Liaison Group had agreed that End of Session Reports would not be required for the February-July 2024 session.

12. Date, Time and Place of the next meeting

The next meeting of the Committee on Standards and Privileges will be confirmed at a later date.

The meeting was adjourned at 11.24 a.m.

Carál Ní Chuilín MLA

Chairperson, Committee on Standards and Privileges

26 June 2024