



Northern Ireland
Assembly

Committee on Standards and Privileges

Minutes of Proceedings

29 May 2024

Meeting Location: Room 106, Parliament Buildings

Present:

Carál Ní Chuilín MLA (Chairperson)

Stewart Dickson MLA (Deputy Chairperson)

Paul Frew MLA

Connie Egan MLA

Harry Harvey MLA

Brian Kingston MLA

Present by video or teleconference:

Colin McGrath MLA

Apologies:

Jemma Dolan MLA

Cathy Mason MLA

In Attendance:

Shane McAteer, Committee Clerk

Nick Mitford, Senior Assistant Clerk

Elaine Farrell, Assistant Clerk

Alison Ferguson, Clerical Supervisor

Damien Brown, Clerical Officer

Rebecca Ellis, Legal Advisor (agenda item 5)

The meeting commenced at 10:02 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.

Mr Frew declared an interest that he is acquainted with the complainant in the discontinuation case to be considered at agenda item 9.

Ms Egan declared an interest that she is a member of the proposed All-Party Group (APG) on International Development.

Mr Harvey declared an interest that he is a member of the proposed APG on International Development.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 15 May 2024.

4. Matters Arising

The Committee considered a draft letter that issues to respondents in complaint cases inviting them to respond to investigation reports by the Commissioner for Standards, that has been reworded to take account of the decision made at the meeting on 15 May 2024 that an oral hearing should only be granted if a written submission has been provided by the respondent in the first instance.

Agreed: The Committee agreed that the draft revised letter should now be used going forward by the secretariat when corresponding with respondents in complaint cases as applicable.

5. Complaint against a Member – briefing by Assembly Legal Services on issues raised.

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

Rebecca Ellis, Legal Advisor, joined the meeting at 10:10 a.m.

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

The Chairperson thanked Ms Ellis for her briefing.

Ms Ellis left the meeting at 10:32 a.m.

The Committee deliberated on the legal advice and the complaint case in question.

Agreed: The Committee agreed to defer its decisions on the complaint case to the meeting on 12 June 2024.

The Committee noted correspondence from the respondent dated 25 May 2024 to the Chairperson and the Commissioner for Standards raising issues in respect of the confidentiality of complaints.

Agreed: The Committee agreed to write to the respondent to acknowledge receipt of the correspondence and to advise that the issues raised will be considered and a further response will issue in due course.

Agreed: The Committee agreed to further consider the issues raised in the correspondence and how any potential unauthorised disclosure of information might be pursued at the meeting on 12 June 2024.

Agreed: The Committee agreed that, when members require to view lengthy restricted meeting packs prior to Committee meetings, the secretariat will highlight new papers which the Committee has not had sight of previously.

Mr Frew left the meeting at 10:58 a.m.

Mr Frew rejoined the meeting at 11:00 a.m.

6. Complaints against a Minister – briefing by the Commissioner for Standards

The Senior Assistant Clerk briefed the Committee on the background to agenda items 6 and 7.

The Commissioner for Standards, Dr Melissa McCullough, joined the meeting at 11:03 a.m. and briefed the Committee on her investigation report on a complaint against a Minister.

Mr McGrath left the meeting at 11:03 a.m.

7. Complaints against Ministers – briefing by the Commissioner for Standards

The Commissioner briefed the Committee on her investigation report on a complaint against Ministers.

The Commissioner left the meeting at 11:20 am. to allow the Committee to deliberate on the investigation reports considered under agenda items 6 and 7.

The Committee Clerk briefed the Committee on options on the way forward in relation to the two investigation reports on complaints against Ministers; given that, while it is required to consider the Commissioner's reports under Standing Order 69A(3)(a), the Committee does not currently have an adjudication role in relation to complaints against Ministers of alleged breaches of the Ministerial Code of Conduct.

Agreed: The Committee agreed that, in respect of each of the complaint cases considered under agenda items 6 and 7, it will publish a report to include: the Commissioner's investigation report; the written response/s from the respondent/s to the investigation report; any written response from the Commissioner to the issues raised in the response/s from the respondent/s where applicable; and an explanation of how it is a matter for the Assembly to consider whether any sanction/s should be imposed on the respondents, if the Assembly, in considering the findings of the Commissioner's report, believes there has been a breach of the Ministerial Code of Conduct.

Agreed: The Committee agreed to consider draft reports on both complaint cases at its meeting on 26 June 2024.

Agreed: The Committee agreed to forward the written responses from the respondents in both complaint cases to the Commissioner for written comment, to be provided for the meeting on 12 June 2024.

Agreed: The Committee agreed to request legal advice on whether there is any legal requirement, in terms of procedural fairness, to share the Commissioner's subsequent written comments with the respondents before publication of the Committee's report and, if so, at what point the exchange of comments can cease.

The Committee considered a request from one of the respondents for an extension to the deadline for response to the Commissioner's investigation report.

Agreed: The Committee agreed to extend the deadline for response from the respondent in question to Monday 3 June 2024 and to forward any response received to the Commissioner for written comment where applicable.

8. Further consideration of decision on inadmissible complaint

The Commissioner rejoined the meeting at 11:50 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.

9. Discontinuation of complaints

The Commissioner briefed the Committee on her request for approval to discontinue consideration of two complaints cases.

Agreed: The Committee agreed that it is content with the Commissioner's reasons for discontinuing consideration of the two cases and confirmed its approval in that regard.

10. All-Party Group issues

The Assistant Clerk briefed the Committee on the proposals for an APG on Dementia and an APG on International Development.

Agreed: The Committee agreed to approve the establishment of an APG on Dementia.

Agreed: The Committee agreed to approve the establishment of an APG on International Development.

The Assistant Clerk briefed the Committee on an issue relating to the APG on Fairtrade complying with the Rules on APGs.

Agreed: The Committee agreed the draft letter to the Chairperson and the members of the APG on Fairtrade, which highlights the issues regarding its membership requirements.

11. Correspondence

Noted: The Committee noted the correspondence from the Speaker dated 17 May 2024 regarding the recognition of the status of Members on parental leave.

12. AOB

None.

13. Date, Time and Place of the next meeting

The next meeting of the Committee on Standards and Privileges will take place on Wednesday 12 June 2024 at 10.00 a.m. in Room 106.

The meeting was adjourned at 11:58 a.m.

Carál Ní Chuilín MLA

Chairperson, Committee on Standards and Privileges

12 June 2024