

COMMITTEE ON PROCEDURES

MINUTES OF PROCEEDINGS

**WEDNESDAY 14 DECEMBER 2016
ROOM 21, PARLIAMENT BUILDINGS**

- Present: Mr Gordon Lyons MLA (Chairperson)
Mr Edwin Poots MLA (Deputy Chairperson)
Mr Steven Agnew MLA
Mrs Rosemary Barton MLA
Mr Tom Buchanan MLA
Mr Chris Lyttle MLA
Mr Fra McCann MLA
Mr Colin McGrath MLA
Mr Mervyn Storey MLA
- In attendance: Ciara McKay (Clerk)
Neil Currie (Assistant Clerk)
Peter Madine (Clerical Supervisor)
Jonathan McMillen (Head of Legal Services) - Agenda Item 4
- Apologies: Mr Conor Murphy MLA
- Agreed:* The Committee agreed to meet in closed session.

1.05pm The meeting began in closed session.

1. Apologies

The apologies are noted above.

2. Draft minutes of the meeting held on 6th December 2016

Agreed: Members agreed the draft minutes of the meeting held on 6th December 2016.

3. Matters arising

There were no matters arising.

4. Review of provisions for Standing Orders as set out in the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016

1.07pm Jonathan McMillen, Head of Legal Services, joined the meeting and briefed the Committee and answered Members' questions on his legal advice on matters arising from the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016.

1.20pm Mr Poots MLA joined the meeting.

1.29pm Mr McMillen left the meeting.

Agreed: The Committee agreed to note the legal advice.

The Committee considered the written responses from its stakeholders on its discussion paper.

The Committee discussed the relevant sections of the Act in turn.

Section 2 – Formation of the Opposition

Mr Agnew proposed that Standing Orders should also make provision for a qualifying party to mean a party whose members comprise 8% or more of the total number of members of the Assembly, and which does not contain a member who is a Minister.

The question was put:

'That the Committee on Procedures is agreed that Standing Orders should also make provision for a qualifying party to mean a party whose members comprise 8% or more of the total number of members of the Assembly, and which does not contain a member who is a Minister.'

The Committee divided on the proposal. Ayes 6; Noes 1.

Ayes:

Mr Gordon Lyons MLA; Mr Edwin Poots MLA; Mr Steven Agnew MLA;
Mrs Rosemary Barton MLA; Mr Tom Buchanan MLA;
Mr Mervyn Storey MLA.

Noes:

Mr Fra McCann MLA.

The proposal accordingly was agreed to.

Section 3 – Timing of formation of the Opposition

Agreed: The Committee agreed that the Clerk should provide an additional option for consideration at the Committee's next

meeting.

Section 4 – Dissolution of the Opposition

Agreed: The Committee agreed that Standing Orders should make provision for ‘dissolution’ of the Opposition.

Mr McCann proposed that dissolution of the Opposition should occur when the Assembly is dissolved.

The question was put:

‘That the Committee on Procedures is agreed that dissolution of the Opposition should occur when the Assembly is dissolved.’

The Committee divided on the proposal. Ayes 1; Noes 6.

Ayes:

Mr Fra McCann MLA.

Noes:

Mr Gordon Lyons MLA; Mr Edwin Poots MLA; Mr Steven Agnew MLA;
Mrs Rosemary Barton MLA; Mr Tom Buchanan MLA;
Mr Mervyn Storey MLA.

The proposal accordingly was negatived.

Mr Poots proposed that dissolution of the Opposition should occur on election day.

The question was put:

‘That the Committee on Procedures is agreed that dissolution of the Opposition should occur on election day.’

The Committee divided on the proposal. Ayes 6; Noes 1.

Ayes:

Mr Gordon Lyons MLA; Mr Edwin Poots MLA; Mr Steven Agnew MLA;
Mrs Rosemary Barton MLA; Mr Tom Buchanan MLA;
Mr Mervyn Storey MLA.

Noes:

Mr Fra McCann MLA.

The proposal accordingly was agreed to.

Section 5 – Leadership of the Opposition

1.47pm Mr Lyttle MLA joined the meeting.

Mr Agnew proposed that Standing Orders should make provision for the offices of “Leader of the Opposition” and “Deputy Leader of the Opposition”.

The question was put:

‘That the Committee on Procedures is agreed that Standing Orders should make provision for the offices of “Leader of the Opposition” and “Deputy Leader of the Opposition”.’

The Committee divided on the proposal. Ayes 1; Noes 2; Abstentions 4.

Ayes:

Mr Steven Agnew MLA.

Noes:

Mrs Rosemary Barton MLA; Mr Fra McCann MLA.

Abstentions:

Mr Gordon Lyons MLA; Mr Tom Buchanan MLA; Mr Chris Lyttle MLA; Mr Mervyn Storey MLA.

The proposal accordingly was negatived.

Mr McCann proposed that the existing practice is retained i.e. that while no formal titles are conferred onto individual members of the Opposition, that these might be informally conferred through custom and practice.

The question was put:

‘That the Committee on Procedures is agreed that the existing practice is retained i.e. that while no formal titles are conferred onto individual members of the Opposition, that these might be informally conferred through custom and practice.’

The Committee divided on the proposal. Ayes 3; Abstentions 5.

Ayes:

Mr Steven Agnew MLA; Mrs Rosemary Barton MLA; Mr Fra McCann MLA.

Abstentions:

Mr Gordon Lyons MLA; Mr Edwin Poots MLA; Mr Tom Buchanan MLA; Mr Chris Lyttle MLA; Mr Mervyn Storey MLA.

The proposal accordingly was agreed to.

Section 6 – Topical Questions from the leadership of the Opposition
Section 15(1) and 15(2) – Topical Questions

Mr Lyttle proposed that the existing Standing Order 20A(6) is retained, which

makes provision for the first topical question to each Minister to come from a member of the Opposition.

The question was put:

‘That the Committee on Procedures is agreed that the existing Standing Order 20A(6) is retained, which makes provision for the first topical question to each Minister to come from a member of the Opposition.’

The Committee divided on the proposal. Ayes 2; Noes 6.

Ayes:

Mr Steven Agnew MLA; Mr Chris Lyttle MLA.

Noes:

Mr Gordon Lyons MLA; Mr Edwin Poots MLA; Mrs Rosemary Barton MLA; Mr Tom Buchanan MLA; Mr Fra McCann MLA; Mr Mervyn Storey MLA.

The proposal accordingly was negatived.

Mr Agnew proposed that Standing Orders should make provision that the first topical question to a Minister comes from the chairperson of the statutory committee, however, this should exclude the first and second questions to the First Minister and deputy First Minister, which would come from the leadership of the opposition.

The question was put:

‘That the Committee on Procedures is agreed that Standing Orders should make provision that the first topical question to a Minister comes from the chairperson of the statutory committee, however, this should exclude the first and second questions to the First Minister and deputy First Minister, which would come from the leadership of the opposition.’

The Committee divided on the proposal. Ayes 7; Noes 1.

Mr Gordon Lyons MLA; Mr Edwin Poots MLA; Mr Steven Agnew MLA; Mrs Rosemary Barton MLA; Mr Tom Buchanan MLA; Mr Chris Lyttle MLA; Mr Mervyn Storey MLA.

Noes:

Mr Fra McCann MLA.

The proposal accordingly was agreed to.

2.09pm Mr McGrath MLA joined the meeting.

Section 7 – Speaking rights in the Assembly

Agreed: The Committee agreed that, in view of the decisions taken by the Business Committee in relation to this matter, that it should revisit section 7 after a few months.

Section 8 – Enhanced speaking rights for the Opposition

2.16pm Mr Agnew MLA left the meeting.

Agreed: The Committee agreed that, in view of the decisions taken by the Business Committee in relation to this matter, that it should revisit section 8 after a few months.

Section 9 – Opposition right to chair Public Accounts Committee

Agreed: The Committee agreed that clarification was required in relation to any potential conflict that section 9 may have with the Northern Ireland Act 1998 and the implications for d'Hondt. The Committee agreed to consider the matter further at the next meeting.

Section 10 – Membership of Business Committee for the Opposition

Agreed: The Committee agreed that Standing Orders should codify that membership of the Business Committee should include opposition parties.

5. Correspondence

There was no correspondence.

6. Any other Business

There was no other business.

7. Date, time and place of next meeting

It was agreed that the next meeting of the Committee would take place on Tuesday, 17th January 2017 at 1.15pm in Room 21, Parliament Buildings.

2.26pm The Chairperson adjourned the meeting.

Gordon Lyons

Chairperson, Committee on Procedures

17 January 2017