



COMMITTEE ON STANDARDS AND PRIVILEGES

WEDNESDAY, 19TH FEBRUARY 2014
ROOM 21, PARLIAMENT BUILDINGS

- Present:** Mr Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Ms Paula Bradley
Mr Ian McCrea
Mrs Sandra Overend
- In Attendance:** Mr Paul Gill (Assembly Clerk)
Mr Simon Kelly (Assembly Legal Services)
Mr Ray McCaffrey (Assembly Research)
Ms Hilary Cleland-Bogle (Assistant Assembly Clerk)
Mr Jonathan Watson (Clerical Supervisor)
- Apologies:** None

The meeting commenced at 1.30pm in closed session.

Chairperson's Introduction

Agreed: The Committee agreed that the meeting should be held in closed session.
The Chairperson welcomed Committee members to the meeting.

1. Apologies

As above.

2. Declaration of Interests

The Chairperson reminded Members of their obligation to declare any relevant financial or other interests before and during each Committee meeting.

3. Draft minutes of the meeting held on 5th February 2014

Agreed: The draft minutes of the meeting held on 5th February 2014 were agreed by the Committee.

4. Matters arising

There were no matters arising.

5. Correspondence from the Northern Ireland Assembly Commissioner for Standards on a complaint against a Member

Members noted the Clerk's Paper and correspondence dated 4th February 2014 from the Assembly Commissioner for Standards.

The Chairperson welcomed Mr Douglas Bain, Northern Ireland Assembly Commissioner for Standards, and invited him to brief the Committee on this correspondence.

Following discussion the Chairperson asked Mr Bain to remain in his place for the next agenda item.

6. Correspondence from the Northern Ireland Assembly Commissioner for Standards on a Commissioner investigation

Members notes the Clerk's Paper and associated correspondence.

The Chairperson invited Mr Bain to brief the Committee on this issue.

Mr Bain informed the Committee that he had decided to initiate a Commissioner investigation.

The Commissioner assured the Committee that the disclosure of the content of his letter in no way compromises his ability to carry out an impartial and rigorous investigation.

Agreed: The Committee was satisfied with this assurance.

Following discussion the Chairperson thanked Mr Bain who left the meeting.

The Chairperson referred the Committee back to agenda item number 5.

Agreed: The Committee agreed with the conclusion of the Assembly Commissioner for Standards that the complaint against the Member is inadmissible.

Agreed: The Committee agreed that the Clerk write to the Member complained of and the complainant enclosing a copy of the Commissioner's correspondence and informing him of the Committee's decision.

Agreed: The Committee agreed that the Clerk write to the Commissioner informing him of the Committee's decision.

The Chairperson referred the Committee to agenda item number 6 and reminded the Committee that they should not comment about the investigation other than to confirm that it had been started.

Agreed: The Committee agreed that the key message within the Commissioner's letter (i.e. his decision to initiate an investigation) could be confirmed publicly. However, members noted that they should not comment about the investigation other than to confirm that it had been initiated.

Agreed: The Committee agreed that the Clerk should prepare a paper on how the Committee might respond to the unauthorised disclosure of the Commissioner's letter.

Agreed: The Committee agreed that the Chairperson should respond to Mr Spratt informing him of Committee's position.

Agreed: The Committee agreed that the Clerk write to Mr Dickson informing him that the Commissioner had decided to initiate an investigation.

7. Review of the Code

Members noted the Clerk's Paper on the Rules of Conduct and the Research Paper on Codes of Conduct, contempt and developments in relation to the rules on Members' Interests in UK Legislatures.

The Chairperson invited Mr Douglas Bain to rejoin the meeting and welcomed Mr Ray McCaffrey, Assembly Researcher.

Mr McCaffrey briefed the Committee on his paper.

Members noted that any decision or view taken by the Committee at this stage would be reflected in the Committee's consultation document. However, they would not be binding as far as the future Code is concerned. Final decisions will not be taken until after the Committee has considered the responses to the consultation.

The Clerk briefed the Committee on managing conflicts of interests.

Agreed: The Committee agreed that the rule on managing conflicts of interest should remain in the Code.

The Clerk briefed the Committee on the rule prohibiting bribery.

Agreed: The Committee agreed to seek advice on whether the rule should be updated to take account of The Bribery Act 2010.

The Clerk briefed the Committee on the rule prohibiting the improper use of payments and allowances.

Agreed: The Committee agreed to consult with the Assembly Commission on the wording of the rule.

The Clerk briefed the Committee on the rule enjoining compliance with Assembly guidance and instructions.

Agreed: The Committee agreed to consult with the Assembly Commission in order to identify and clarify which rules and guidance should fall under this rule.

The Clerk briefed the Committee on the rule on information received in confidence.

Agreed: The Committee agreed that that part of the rule recommending compliance with the Data Protection Act was redundant.

The Clerk briefed the Committee on the rule imposing an obligation to co-operate with standards investigations.

Agreed: The Committee agreed that this rule still performed a useful function insofar as it applies to the Committee. However, the Committee agreed that insofar as it applies to the Commissioner, they would consider whether it had been rendered obsolete by the Assembly Members Act.

Agreed: The Committee agreed to supplement the rule with a requirement on Members to maintain the confidentiality of the Commissioner's investigation.

The Clerk briefed the Committee on the unauthorised disclosure of information.

Agreed: The Committee agreed that an explicit rule should be introduced prohibiting the unauthorised disclosure of Assembly information.

The Clerk briefed the Committee on Privilege and Contempt issues.

Agreed: The Committee agreed to give further consideration to a rule requiring Members not to act in any way which was likely to interfere with the functions of the Assembly.

The Clerk briefed the Committee on bringing the Assembly into disrepute.

Agreed: The Committee agreed to consider the merits of such a rule further at a later date.

The Committee noted that the consultation paper should also mention the possibility of rules imposing duties of respect, for staff conduct, and in relation to contact with lobbyists.

The Chairperson thanked Mr Bain and Mr McCaffrey for attending the meeting.

Members noted the Clerk's Paper on the Scope of the Code and the Legal Advice.

The Clerk briefed the Committee on this issue.

The Chairperson welcomed Mr Simon Kelly, Legal Assistant, to the meeting and invited him to brief the Committee on his paper.

Agreed: The Committee agreed that the scope Code the scope of the Code should not be extended to Members' private lives.

The Chairperson thanked Mr Kelly for attending the meeting.

8. Any other business

The Clerk updated the Committee on the proposed Committee visit to Washington DC on 13th and 14th March 2014 to meet with the House Ethics Committee, the Senate Ethics Committee and the General Assembly of Maryland. The Chairperson, Deputy Chairperson, Mr McCrea and Ms Bradley confirmed they would attend. Mr Boylan said that he would confirm Sinn Féin's attendance with the Clerk.

9. Time, date and place of next meeting

The next meeting of the Committee will be held on Wednesday, 5th March 2014 at 1.30pm in Room 21 (**lunch will be available from 1.15pm**).

The Chairperson adjourned the meeting at 2.47pm.

Mr Alastair Ross MLA

Chairperson, Committee on Standards and Privileges

5th March 2014