



COMMITTEE ON STANDARDS AND PRIVILEGES

WEDNESDAY, 3RD JUNE 2015

ROOM 106, PARLIAMENT BUILDINGS

Present: Mr Jimmy Spratt (Chairman)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Mr Cathal Boylan
Mr Tom Buchanan
Mr Colum Eastwood
Mr Declan McAleer
Mr Fra McCann
Mr Robin Newton
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Hilary Cleland Bogle (Assistant Assembly Clerk)
Miss Alison Ferguson (Clerical Officer)

Apologies: Mr David Hilditch

Chairman's Introduction

Agreed: The Committee agreed that the meeting should be held in closed session.

The meeting commenced at 1.15pm in closed session.

The Chairman welcomed Committee members to the meeting.

1. Apologies

As above.

2. Declaration of Interests

The Chairman reminded Members of their obligation to declare any relevant financial or other interest before or during each Committee meeting.

3. Draft minutes

Agreed: The draft minutes of the meeting held on 20th May 2015 were agreed by the Committee.

4. Matters arising

There were no matters arising.

5. Report from the Assembly Commissioner for Standards on a complaint against a Member

The Committee noted the relevant papers, including the legal advice.

The Clerk briefed the Committee on the current position and the options open to the Committee.

1.25pm Mr McCann joined the meeting.

The Committee discussed the relevant circumstances and how serious they considered the breach to be.

Following discussion, Mr Newton proposed that the Committee should not take any further action.

The Committee divided:

Ayes

Mr Tom Buchanan
Mr Robin Newton
Mr Jimmy Spratt

Noes

Mr Steven Agnew
Mr Cathal Boylan
Mr Colum Eastwood
Ms Anna Lo
Mr Fra McCann
Mrs Sandra Overend

Abstentions

None

The proposal fell.

The Committee discussed whether the imposition of a sanction in this case would be prescribed by law.

Agreed: The Committee agreed that the imposition of a sanction in this case would be prescribed by law.

The Committee discussed whether the imposition of a sanction in this case would be necessary in a democratic society for the protection of the reputation or rights of others. In doing so, the Committee took into consideration all relevant factors in the case. The Committee balanced the Member's right to freedom of expression and the public interest in such freedom against the public interest in proper standards of conduct by Members in order to protect the reputation and rights of others.

Following discussion, the Chairman put the question that the imposition of a sanction in this case would be necessary in a democratic society for the protection of the reputation or rights of others.

The Committee divided:

Ayes	Noes	Abstentions
Mr Steven Agnew	Mr Tom Buchanan	None
Mr Cathal Boylan	Mr Robin Newton	
Mr Colum Eastwood	Mr Jimmy Spratt	
Ms Anna Lo		
Mr Fra McCann		
Mrs Sandra Overend		

The question was carried.

The Committee gave consideration to which sanction would be the most appropriate to recommend. The Committee agreed that any sanction must be proportionate to the seriousness of the breach, bearing in mind all of the circumstances.

Following discussion, Mr Boylan proposed that the Member be censured by the Assembly.

The Committee divided:

Ayes	Noes	Abstentions
Mr Steven Agnew	Mr Tom Buchanan	None
Mr Cathal Boylan	Mr Robin Newton	
Mr Colum Eastwood	Mr Jimmy Spratt	
Ms Anna Lo		
Mr Fra McCann		
Mrs Sandra Overend		

The proposal was carried.

Agreed: The Committee agreed that the Clerk should prepare a draft Report and draft Motion for the Committee's consideration at its next meeting.

1.34pm Mr McAleer joined the meeting.

6. Review of the Code of Conduct

Members noted the Clerk's Paper, the new Code of Conduct and Guide to the Rules, and the draft Committee Report.

1.35pm Mr Eastwood left the meeting.

The Clerk briefed the Committee on the draft Committee Report and took the Committee through the draft report section by section.

Executive Summary

Paragraphs 1 – 6 read and *agreed*.

Recommendations

Paragraphs 7 – 19 read and agreed.

Background to the Review

Paragraphs 20 – 25 read and agreed.

Terms of Reference

Paragraphs 26 – 28 read and agreed.

The Committee's Issues Paper

Paragraphs 29 – 41 read and *agreed*.

Purpose of the Code

Paragraphs 42 – 43 read and *agreed*.

The Private and Family Lives of Members

Paragraphs 44 – 57 read and *agreed*.

When is a Member acting as a Member

Paragraphs 58 – 67 read and *agreed*.

Application of the Code to Ministers

Paragraphs 68 – 78 read and *agreed*.

Freedom of Expression

Paragraphs 79 – 90 read and *agreed*.

Members Conduct in the Chamber and in Committee

Paragraphs 91 – 106 read and *agreed*.

Quality of Service provided by Members

Paragraphs 107 – 113 read and *agreed*.

Principles of Conduct

Paragraphs 114 – 119 read and *agreed*.

Additional Principles of Conduct

Paragraphs 120 – 130 read and *agreed*.

Aspirational Principles and Enforceable Rules

Paragraphs 131 – 143 read and *agreed*.

Rules of Conduct

Paragraphs 144 – 145 read and *agreed*.

Managing Conflicts of Interest

Paragraphs 146 – 149 read and *agreed*.

Upholding the Law

Paragraphs 150 – 156 read and *agreed*.

Members' Interests

Paragraphs 157 – 161 read and *agreed*

Gifts to Members

Paragraphs 162 – 179 read and *agreed*.

Misuse of any payment, allowance or resources

Paragraphs 180 – 181 read and *agreed*.

Compliance with Assembly Commission Rules

Paragraphs 182 – 184 read and *agreed*.

Confidential Information

Paragraphs 185 – 192 read and *agreed*.

Privilege and 'Contempt'

Paragraphs 193 – 195 read and *agreed*.

Improper use of your position as a Member

Paragraphs 206 – 210 read and *agreed*.

Respect

Paragraphs 211 – 222 read and *agreed*.

Investigations into Members' Conduct

Paragraphs 223 – 230 read and *agreed*.

Staff Conduct

Paragraphs 231 – 250 read and *agreed*.

Reporting approaches to act in a way that would breach the Code

Paragraph 251 read and *agreed*.

Urging other Members to contravene the Code

Paragraph 252 read and *agreed*.

Bringing the Assembly into disrepute

Paragraphs 253 – 260 read and *agreed*.

The Guide to the Rules

Paragraphs 261 – 266 read and *agreed*.

The Political Parties, Elections and referendums Act 2000

Paragraphs 267 – 277 read and *agreed*.

Declaration of Interests

Paragraphs 278 – 282 read and *agreed*.

The Advocacy Rule

Paragraphs 283 – 287 read and *agreed*.

Minor Amendments

Paragraph 288 read and *agreed*.

Lobbying

Paragraphs 289 – 312 read and *agreed*.

Standing Order 69

Paragraphs 313 – 314 read and *agreed*.

The Attorney General

Paragraphs 315 – 316 read and *agreed*.

Sanctions

Paragraphs 317 – 321 read and *agreed*.

Induction/Training

Paragraph 322 read and *agreed*.

Conclusion

Paragraphs 323 – 325 read and *agreed*.

The Committee agreed that it would consider some further amendments to the draft report at its next meeting following which it will then have to agree the final version of the report.

The Chairman, on behalf of the Committee, thanked committee staff for the work involved in producing the new Code and Guide.

Agreed: The Committee noted that the new Code and Guide has to be agreed by the Assembly and agreed the following wording of the motion to be placed before the Assembly:

“That this Assembly notes the report of the Committee on Standards and Privileges on the review of the Code of Conduct and the Guide to the Rules Relating to the Conduct of Members [NIA 178/11-16]; agrees to the new Code of Conduct and Guide to the Rules set out in annex 1 of the report; and further agrees to the other recommendations contained within the report.”

Agreed: The Committee agreed that a press release be issued to mark the Assembly's agreement of the new Code and that a draft press release would be agreed by the Committee at its next meeting.

7. Any other business

1.55pm Mr McCann left the meeting.

The Committee noted that it had previously agreed that the Chairman would speak at an event being organised by Transparency International.

Agreed: Members agreed that the Committee would sponsor the event to be held in Parliament Buildings.

Mr Boylan said that a Member had informed him that they were dissatisfied by the findings of the Commissioner and the Committee in relation to an inadmissible complaint.

The Clerk confirmed that the Member could write to the Committee expressing their concerns.

The Chairman referred to their being no mechanism in place to deal with complaints against the Assembly Commissioner for Standards.

2.04pm Mr Newton left the meeting.

Agreed: The Committee agreed to be provided with further information in relation to the accountability mechanisms of other Standards Commissioners.

8. Time, date and place of next meeting

Members noted that the next meeting of the Committee would take place on Wednesday, 10th June 2015 at 1.30pm in room 21, Parliament Buildings.

The Chairman adjourned the meeting at 2.08pm.

Mr Jimmy Spratt MLA
Chairman, Committee on Standards and Privileges

10th June 2015