

Committee on Standards and Privileges

**Report on
a complaint against
Mr Jimmy Spratt MLA**

**Together with the Report of the Assembly Commissioner for Standards and
the Minutes of Proceedings of the Committee**

**Ordered by The Committee on Standards and Privileges to be printed on 20 January 2014
Report: NIA 155/11-15 Standards and Privileges Committee**

Committee Powers and Membership

1. The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order Nos. 51 and 57.
2. The Committee has power:
 - to consider specific matters relating to privilege referred to it by the Assembly;
 - to oversee the work of the Assembly Clerk of Standards;
 - to examine the arrangement for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the Assembly, and to review from time to time the form and content of those registers;
 - to consider any specific complaints made in relation to the registering or declaring of interests referred to it;
 - to consider any matter relating to the conduct of Members;
 - to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.
3. The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its enquiries.
4. The membership of the Committee is as follows:

Mr Alastair Ross (Chairperson)
 Ms Anna Lo (Deputy Chairperson)¹
 Mr Steven Agnew
 Mr Mervyn Storey ^{2 3}
 Mr Cathal Boylan
 Ms Paula Bradley ⁴
 Mr Colum Eastwood ⁵
 Mr Declan McAleer ^{6 7 8 9}
 Mr Fra McCann
 Mr Ian McCrea ¹⁰
 Mrs Sandra Overend ¹¹
5. The Report and evidence of the Committee are published by the Stationery Office by order of the Committee. All publications of the Committee are posted on the Assembly's website: (www.niassembly.gov.uk.)
6. All correspondence should be addressed to the Clerk to the Committee on Standards and Privileges, Committee Office, Northern Ireland Assembly, Room 254, Parliament Buildings, Stormont, Belfast BT4 3XX. Tel: 02890 520333; e-mail: committee.standards&privileges@niassembly.gov.uk

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- 1 With effect from 01 October 2013 Mrs Anna Lo replaced Mr Kieran McCarthy.
 - 2 With effect from 07 May 2013 Mr Sydney Anderson replaced Mr David McIlveen.
 - 3 With effect from 16 September 2013 Mr Mervyn Storey replaced Mr Sydney Anderson.
 - 4 With effect from 15 April 2013 Ms Paula Bradley replaced Mr Jonathan Craig.
 - 5 With effect from 23 April 2012 Mr Colum Eastwood replaced Mr Patsy McGlone.
 - 6 With effect from 3 July 2012 Mr Alex Maskey replaced Mr Pat Doherty.
 - 7 With effect from 7 September 2012 Mr Francie Molloy replaced Mr Alex Maskey.
 - 8 With effect from 7 April 2013 Mr Francie Molloy resigned as a Member.
 - 9 With effect from 15 April 2013 Mr Declan McAleer replaced Mr Francie Molloy.
 - 10 With effect from 3 December 2012 Mr Ian McCrea replaced Ms Paula Bradley.
 - 11 With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Michael Copeland.
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Table of Contents

Report	1
Appendix 1	
Report by the Assembly Commissioner for Standards	7
Appendix 2	
Minutes of Proceedings of the Committee Relating to the Report	109
Appendix 3	
Other Evidence	113

Report

Introduction

1. The Committee on Standards and Privileges has considered a report from the Northern Ireland Assembly Commissioner for Standards on his investigation into a complaint against Mr Jimmy Spratt MLA by Mr Robin Swann MLA. The Commissioner's report and the complaint are appended to this report.

The Complaint

2. Mr Swann's complaint of 1 and 9 July 2013 related to comments made by Mr Spratt during a meeting of the Committee for the Office of the First and deputy First Minister on 26 June 2013. The First Minister, deputy First Minister and Junior Ministers had attended the meeting and had discussed a range of issues, including those in relation to the proposed construction of a peace building and conflict resolution centre on the Maze/Long Kesh site.
3. Mr Swann claimed that at the meeting Mr Spratt had referred to those who opposed the proposed peace building and reconciliation centre at the Maze site as 'nutters', only to deny using this term later. He asked for Mr Spratt's 'point of order' in committee to be investigated and described the language used by Mr Spratt towards the Chairperson (Mr Mike Nesbitt MLA) as totally unacceptable, particularly in light of his (Mr Swann's) claim that Mr Spratt's protestations were later proved unequivocally wrong.
4. Mr Swann also cited Mr Spratt's conversation with the Political Editor of the Newsletter, during which Mr Spratt was alleged to have made further denials and threatened legal action. Mr Swann included with his complaint the Hansard transcript of the committee meeting, a press release issued by Mr Spratt and a Newsletter article entitled "DUP's Spratt sorry for calling Maze opponents nutters".
5. Mr Swann said he believed that Mr Spratt had failed to abide by the principles of Honesty, Promoting Good Relations, Respect and Good Working Relationships contained within the Code of Conduct.

The Commissioner's investigation

6. As part of his investigation the Commissioner interviewed Mr Spratt, Mr Nesbitt, Mrs Brenda Hale MLA and Mr Sam McBride of the Newsletter. He also studied the official report of the committee meeting in question. Having done so the Commissioner established a number of facts which are set out in paragraph 12 of his report and include the following:
 - That, apart from the omission of a number of 'asides', the official report of the Committee meeting on 26 June 2013 is accurate;
 - that Mr Spratt made the comment "except the nutters" *sotto voce* as an aside principally for the benefit of Mrs Hale who was seated next to him and speaking at the time; and
 - that on 27 June 2013 Mr Spratt issued a statement apologising for any offence caused by the manner in which his comment had been reported.
7. In relation to the Honesty principle, the Commissioner reports that Mr Swann alleged that Mr Spratt dishonestly denied using the phrase on two occasions: firstly, at the committee meeting and, secondly, during the telephone conversation with Mr McBride.

8. The Commissioner says that the first leg of this allegation is without any basis in fact. He states that it is clear from the official report that at no time did Mr Spratt deny using the words “except the nutters”. He says that in the course of the first exchange on this matter at the committee meeting Mr Nesbitt had inaccurately attributed to Mr Spratt a denial of saying the phrase “except the nutters”. The Commissioner judges Mr Spratt’s subsequent comment at the meeting (“I certainly was not calling anybody in the room, nor, indeed, people who were opposed to the Maze nutters”) to be an implicit acceptance by him of having used the word nutters.
9. On the second leg of this allegation the Commissioner points out that there is no independent evidence of what was said but suggests it would be inconceivable for Mr Spratt to deny using the phrase “except the nutters” when he had already acknowledged this point in committee. Further detail is set out at paragraphs 20 – 22 of the Commissioner’s report.
10. With regards to the principle of Respect, the Commissioner believes that making the ‘nutters’ comment *sotto voce* does not come anywhere near the bar for breaching the Code. The Commissioner observes that it is hard to reconcile Mr Swann’s objection to the phrase with the fact that his party subsequently funded lapel badges bearing the words “Proud to be a Nutter – Raze the Maze”. Further detail is set out at paragraphs 22 – 25 of the Commissioner’s report.
11. The Commissioner also says, in relation to the principle of Respect, that it was not unreasonable for Mr Spratt to have interpreted Mr Nesbitt’s comments as spinning and to describe them as such. Further detail is set out at paragraphs 26 – 29 of the report.
12. The Commissioner says that in light of his finding that Mr Spratt did not breach the Honesty or Respect principles there is no basis for the contention that his actions in any way breached either the principle of Promoting Good Relations or Good Working Relationships. Further detail is set out at paragraphs 30 – 33 of the report.
13. The Commissioner says that he has also considered whether, when looked at in the round, Mr Spratt’s actions constituted a breach of the Code. The Commissioner is satisfied that they did not.
14. The Commissioner makes a number of further observations from paragraphs 34 to 39 of his report. These include his observations that:
 - There was nothing improper in any threat or warning of legal action against the Newsletter by Mr Spratt (paragraph 35);
 - Mr Spratt’s did not, as suggested by Mr Swann, issue an apology for using the phrase “except the nutters”. Rather his apology was “for any hurt caused to those who believed my comments were directed at them” (paragraph 36); and
 - It is disturbing that a complaint so lacking in substance was made following a unanimous decision of the Assembly Group of a major political party. In the Commissioner’s opinion there is a real risk that what he sees as such unjustified complaints (and the publicity they will attract) will tend to undermine the public’s trust and confidence in the Assembly (paragraphs 37 – 39).

The Committee’s considerations

15. As per the Committee’s usual procedure, Mr Spratt was provided with an advance copy of the Commissioner’s report. Mr Spratt was informed that he was entitled to provide the Committee with his own comments in respect of any matter raised in the report. He was also informed that he could choose to give evidence to the Committee and answer in person any questions that members may have had. Mr Spratt provided a written response to the Committee and made clear that he would be happy to appear before the Committee.

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16. Mr Spratt's response is included at **Appendix 3**. In this response he said that:
- At the time of the complaint he was at a vulnerable point in his life requiring further major surgery for cancer. The last thing he needed was the stress arising from what he describes as such a misrepresented complaint.
 - He was most annoyed about the claim that he had been dishonest when he maintains that he had never denied the use of the words “except the nutters”.
 - He believes the Committee should consider tightening the relevant rules and procedures to prevent similar complaints in future.
 - He considers that Members who make what are shown to be inaccurate and false allegations should themselves be subject to Assembly sanctions.
 - He wishes to be informed of the total cost of the investigation including the future publication of this report.
17. The Committee on Standards and Privileges considered the report at its meeting on Wednesday 15 January 2014 when the Commissioner attended and answered members' questions. The Committee reflected on the matters raised in the report, on the answers given to their questions by the Commissioner and on the matters raised in the correspondence to them from Mr Spratt. Having done so the Committee is satisfied that Mr Spratt has not breached the Code of Conduct. **The complaint is not upheld.**
18. The Committee is clear that Mr Spratt did not deny using the phrase “except the nutters”. His use of this phrase at committee did not amount to a breach of the Code and neither did his subsequent exchanges with Mr Nesbitt and Mr McBride.
19. The Commissioner and Mr Spratt both saw this complaint as lacking in substance and unjustified.
20. Even prior to this complaint, the Committee had observed that many complaints being submitted to the Commissioner were often lacking in substance and likely to be political in motivation. It would appear that there are those who believe that the Assembly's complaint procedures can be used as a means for airing and publicising political grievances.
21. A purpose of the Code of Conduct is to ensure public confidence and trust in the integrity of Members by establishing openness and accountability as the key elements of the Code. The Committee accepts, however, that public confidence and trust will be damaged if the Code of Conduct is seen to be misused.
22. As part of its review of the Code of Conduct the Committee will therefore assess how to ensure that the Assembly's resources are not diverted towards the unnecessary consideration of politically motivated and spurious complaints. The Committee accepts that this may mean tightening the Code so that an investigation can only be undertaken when a specific and defined rule is alleged to have been breached.
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Northern Ireland
Assembly

Appendix 1

Report by the Assembly Commissioner for Standards

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STANDARDS &
PRIVILEGES

19 December 2013

Dear *Paul*

COMPLAINT AGAINST JIMMY SPRATT MLA

Please find attached my report on the complaint by Robin Swann MLA against Jimmy Spratt MLA.

Yours sincerely

DOUGLAS BAIN CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

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Report by the
Northern Ireland Assembly
Commissioner for Standards
on a complaint by
Robin Swann MLA against Jimmy Spratt MLA

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CONTENTS

	Page
The complaint	1
Relevant Code of Conduct provisions	1
The Investigation	2
Findings in Fact	3
Reasoned Decision	3
Observations	6
Conclusion	7
 Annexes	
A – Documents	
B – Most Relevant Code Provisions	

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The Complaint

1. On 1 July 2013 Robin Swann MLA submitted a complaint against Jimmy Spratt MLA.¹ In that complaint he asserted that the behaviour of Mr Spratt, the language used and the allegations made by Mr Spratt at a meeting of OFMDFM Committee on 26 June 2013 fell short of the standards of conduct required of a Member and were in breach of various unspecified aspects of the Code of Conduct.
2. Mr Swann attached to his complaint a print of Hansard of the Committee meeting², a press release issued by Mr Spratt the following day³ and an screen print from the Belfast Telegraph⁴.
3. As noted above Mr Swann's complaint did not, as required, specify the parts of the Code he alleged had been breached. Accordingly I contacted him requiring that information.⁵ In his response dated 9 July 2013 he identified the principles of Honesty, Promoting Good Relations, Respect and Good Working Relations as being the Code provisions he believed had been contravened.⁶
4. Having considered that further information I wrote, on 10 July 2013, to Mr Swann⁷, Mr Spratt⁸ and to your Clerk⁹ advising them that I had determined that the complaint was admissibility.
5. The complaint and the other documents I have considered in reaching my decision on this matter are at Annex A.

Most Relevant Provisions of Code of Conduct

6. The provisions of the Code most relevant to this complaint are at Annex B.

¹ Document 1
² Document 2
³ Document 3
⁴ Document 4
⁵ Document 5
⁶ Document 6
⁷ Document 7
⁸ Document 8
⁹ Document 9

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The Investigation

7. In the course of my investigation I interviewed Mike Nesbitt MLA¹⁰, Brenda Hale MLA¹¹, Jimmy Spratt MLA¹² and Mr Sam McBride of the Newsletter¹³. Save for some minor revisions proposed by Mr Spratt¹⁴, which I did not accept because they did not accord with my understanding of what had been said at interview, I accepted all proposed revisions to the draft notes of their interviews.
8. Following these interviews I wrote to Mr Swann affording him the opportunity either to submit any further material to me or to meet with me.¹⁵ He did not avail of that opportunity.
9. On 21 October I wrote to Mr Nesbitt, leader of the Ulster Unionist Party, seeking his views on a matter which had come to my attention after my meeting with him.¹⁶ His response the same day provided no useful information.¹⁷
10. Having considered the evidence I formulated my findings in fact and, as required, afforded Mr Spratt an opportunity to challenge them. Mr Spratt responded that he did not wish to do so.¹⁸
11. I note that my investigation was delayed by two events beyond my control. The first, Mr Spratt's illness during the summer of 2013, was unavoidable. The second was Mrs Hale's failure to respond to my request dated 10 July 2013 to contact me to agree a mutually convenient date for a meeting.¹⁹ On 25 September 2013 I wrote again to Mrs Hale drawing attention to her failure to respond and asking her to make contact to arrange a meeting date.²⁰ When she did so, the first date that she offered was 6 November 2013.²¹ Only when she was told that such a further delay was unacceptable did she agree to meet me on 16 October 2013. This is the first, and I trust only, occasion on which an investigation has been delayed because a Member has failed to attach due importance to the complaints process.

¹⁰ Document 10

¹¹ Document 11

¹² Document 12

¹³ Document 13

¹⁴ Document 14

¹⁵ Document 15

¹⁶ Document 16

¹⁷ Document 17

¹⁸ Document 21

¹⁹ Document 19

²⁰ Document 20

²¹ Document 10

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Findings in Fact

12. I found the following facts established-
- i. That, apart from the omission of a number of 'asides', the transcript of the Committee meeting on 26 June 2013 is accurate.
 - ii. That Mr Spratt made the comment "*except the nutters*" sotto voce as an 'aside' directed principally to Mrs Hale who was seated next to him and speaking at the time.^{22 23}
 - iii. That the comment would not have been recorded in Hansard but for Mr Nesbitt's reference to it later in the meeting.^{24 25}
 - iv. That on 27 June 2013 Mr Spratt issued a statement apologising for any offence caused by the manner in which his comment had been reported.^{26 27}
 - v. That following the Committee meeting the Ulster Unionist party financed, either in whole or in part, the production of lapel badges bearing the words "Proud to be a Nutter" and "Raise the Maze".^{28 29}

Reasoned Decision

13. At the Committee meeting on 26 June 2013 the Committee received a progress report from the First Minister and deputy First Minister on the Programme for Government. One of the topics discussed was the proposed building of a peace building and conflict resolution centre on the Maze/Long Kesh site.
14. I have found in fact that whilst that subject was under discussion Mr Spratt made a sotto voce "aside" directed principally at Mrs Hale who was sitting next to him using the words "except the nutters". There followed an exchange between Mr Spratt and Mr Nesbitt. A short while later Mr Spratt raised what Mr Nesbitt had said during that exchange as what he described as a "point of order". A further exchange followed. The "nutters comment" and these two exchanges are the only part of the transcript of importance when considering this complaint.³⁰
15. In his complaint, as amplified by his email providing the required information, Mr Swann asserted that the passages to which I have

²² Document 12

²³ Document 11

²⁴ Document 11

²⁵ Document 10

²⁶ Document 3

²⁷ Document 12

²⁸ Document 18

²⁹ Document 12

³⁰ Document 2 pages 23, 26 & 27

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referred provided evidence that Mr Spratt had breached the Honesty, Promoting Good Relations, Respect and Good Working Relations principles of the Code. I shall consider each principle in turn.

Honesty

16. Mr Swann asserts that Mr Spratt was dishonest on two occasions. First, at the Committee meeting, when according to Mr Swann, Mr Spratt denied having said "except the nutters". The second instance of dishonesty, according to Mr Swann, was when Mr Spratt made the same denial to Mr McBride of the Newsletter in the course of a telephone conversation with him.
17. In relation to the first leg of that allegation I find it to be without any basis in fact. It is clear from the transcript that at no time did Mr Spratt deny using the words "except the nutters". In the course of the first exchange Mr Nesbitt inaccurately attributed to Mr Spratt a denial of saying the phrase 'except the nutters'.
18. Whilst the matter is clear from what is recorded at page 23 of the transcript it is reinforced by Mr Spratt's words at page 26 where he is recorded as saying:-
"I certainly was not calling anybody in the room, nor, indeed, people who were opposed to the Maze nutters."
19. This implicit acceptance of having used the word nutters is wholly inconsistent with the version of what Mr Spratt said given by Mr Swann, in his complaint³¹, and by Mr Nesbitt, at interview³².
20. The second leg of the dishonesty allegation relates to the telephone conversation between Mr McBride and Mr Spratt on the evening of 26 June. It appears that Mr McBride phoned Mr Spratt to ask for his side of the story about what had occurred at the Committee. Mr McBride's recollection is that Mr Spratt denied saying the words "except the nutters". Mr Spratt, on the other hand, is clear that he did not deny using these words. Rather he denied, as he had at the Committee, saying that "the people who are against the peace building centre at the Maze" were nutters.
21. There is no independent evidence of what was said during that telephone conversation. It would, in my opinion, be inconceivable that Mr Spratt, having made clear at the Committee meeting that he had used the phrase "except the nutters", would later deny using the phrase when speaking to Mr McBride. Against that, I am satisfied that the account given to me by Mr McBride was his honest recollection of what had been said. Mr Spratt conducted the conversation on his mobile

³¹ Document 1

³² Document 10

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phone and according to him reception was poor. I believe that the most likely explanation of the two conflicting accounts of what was said is that Mr Spratt's account is accurate and that Mr McBride, perhaps due to reception difficulties, simply misheard or misunderstood what had been said to him. But even if that is not the explanation, there is insufficient evidence before me to justify a conclusion that Mr Spratt, during that telephone conversation, was dishonest.

22. Accordingly, I have decided that the allegation that Mr Spratt breached the Honesty principle is not established.

Respect

22. The original complaint letter identified only the 'nutters' comment and the comment that Mr Nesbitt was "spinning" as the behaviour of Mr Spratt at the Committee that Mr Swann considered to be in contravention Respect principle. Not all disrespectful conduct is in contravention of the Code. It is recognised that exchanges "*may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack*" (my emphasis). Members are entreated to "*keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Members and the Assembly itself.*"
23. I have found in fact that Mr Spratt made the 'nutters' comment sotto voce as an 'aside' directed principally at Mrs Hale. I do not believe that in the circumstances it comes anywhere near the bar for breaching the Respect principle. I note also that Mr Spratt made clear that his comment, which would not have been recorded in Hansard but for Mr Nesbitt's reference to it, was not directed at anyone present at the time or to those opposed to the peace building and reconciliation centre at the Maze/Long Kesh site.
24. I find it hard to reconcile Mr Swann's assertion that use of the phrase "except the nutters" breached the Respect principle with the fact that the party of which he is the Chief Whip funded, in whole or in part, lapel badges bearing the words "Proud to be a Nutter – Raze the Maze". I note that Mr Nesbitt, the Party Leader, did not respond to my request for an explanation.
25. I do not accept that by using the phrase "except the nutters" Mr Spratt breached the Respect principle.
26. The second breach allegation was in relation to spinning. 'Spinning' is a word now in normal usage. One definition of "*to spin*" is "*to provide an interruption of a statement or event, for example, especially in a way meant to sway political opinion.*"³³

³³ Oxford Online Dictionary

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27. To accuse someone, particularly a politician, of spinning is not generally regarded as being offensive or disrespectful. That was acknowledged by Mr Nesbitt who argued, however, that in the particular circumstances in which Mr Spratt made the accusation it did constitute a contravention of the Code.
28. Whilst it may be that in some circumstances a wholly unreasonably and unfounded accusation of spinning could constitute a breach of the Respect principle, I am satisfied that in the circumstances of this complaint, as I have found them established, there is no such breach. Mr Nesbitt's version of what Mr Spratt had denied saying was simply inaccurate. It is unnecessary for me to reach a view on whether that error was inadvertent in the heat of debate or was deliberate spinning. Whichever it was, I am clear that it was not unreasonable for Mr Spratt to interpret Mr Nesbitt's comments as spinning and to describe them as such.
29. I am satisfied that there was no breach of the Respect principle.

Promoting Good Relations

30. In light of my decisions that Mr Spratt did not breach either the Honesty or the Respect principles there is no basis for the contention that his actions at the Committee in any way breached the Promoting Good Relations principle. He acted justly in the circumstances and did nothing which could reasonably be argued was not supportive of respect for the law.
31. I am satisfied that he did not breach the Promoting Good Relations principle.

Good Working Relationships

32. For the same reasons I am satisfied that the principle of Promoting Good Working Relationships was not broken by Mr Spratt.
33. I have considered also whether, when looked at in the round, Mr Spratt's actions constituted a breach of the Code. I am satisfied that they did not.

Observations

34. I offer the following observations on issues arising.

Dealings with Newsletter

35. In his complaint letter Mr Swann drew my attention to Mr Spratt's warning to the newspaper of the risk of litigation. Mr Swann considered them to be of importance in relation to his complaint. I have already dealt with the 'nutters' comment. But beyond that Mr Swann appeared

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to suggest that there was something improper in Mr Spratt threatening legal action against the newspaper if an inaccurate account of what he had said was published. I find nothing improper in any such threat or warning and note that Mr McBride was not unduly concerned by it.

The apology

36. Mr Spratt did not, as suggested by Mr Swann, issue an apology for using the phrase “*except the nutters*”. Rather he apologised “*for any hurt caused to those who believed my comments were directed at them*”. Such an apology was appropriate in light of how his comments had been reported.

Lack of substance

37. Although this complaint met the prescribed admissibility criteria, it was, after investigation, found to be without substance and verging on the trivial.
38. Accusing a Member of breaching the provisions of the Code is not something that should be done lightly or without careful consideration. That is especially so when the allegation is of dishonesty.
39. Whilst I could understand an aggrieved member of the public, acting in the heat of the moment, making a complaint of this nature I find it disturbing that in this case a complaint so lacking in substance was made following an unanimous decision of the Assembly Group of a major political party. There is, in my opinion, a real risk that such unjustified complaints and publicity they attract will tend to undermine the public’s trust and confidence in the Assembly.

Conclusion

40. For the reasons set out above I do not uphold this complaint.

DOUGLAS BAIN CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards
19 December 2013

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ANNEX A

DOCUMENTS

Document No	Description
1	Complaint
2	Hansard - OFMDFM Committee 26 June 2013
3	Jimmy Spratt - Press Release 27 June 2013
4	Screen Print - Belfast Newsletter undated
5	Letter - Bain:Swann 4 July 2013
6	Email - Swann:Bain 9 July 2013
7	Letter - Bain:Swann 10 July 2013
8	Letter - Bain:Swann 10 July 2013
9	Letter - Bain:Gill 10 July 2013
10	Mike Nesbitt MLA - Note of Interview 5 August 2013
11	Brenda Hale MLA - Note of Interview 16 October 2013
12	Jimmy Spratt MLA - Note of Interview 21 October 2013
13	Sam McBride - Note of Interview 25 September 2013
14	Jimmy Spratt MLA - Draft Note of Interview 21 October 2013 showing proposed revisions not accepted
15	Letter - Bain:Swann 25 September 2013
16	Letter - Bain;Nesbitt 21 October 2013
17	Letter - Nesbitt: Bain 21October 2013

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- 18 Screen Print - Belfast Newsletter 18 September 2013
- 19 Letter - Bain:Hale 10 July 2013
- 20 Letter - Bain:Hale 25 September 2013
- 21 Email exchange - Bain:Spratt 18 November 2013

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ANNEX B

MOST RELEVANT CODE OF CONDUCT PROVISIONS

Principles of Conduct

Members shall observe the following principles of conduct, which include principles based upon the general principles of conduct identified by the Committee on Standards and Public Life as applying holders of public office, and further principles agreed by the Assembly:

Honesty

Members should act honestly. They have a duty to declare any private interests relating to their public duties. Members should take steps to resolve any conflicts between their private interests and public duties at one and in a way that protects the public interest.

Promoting Good Relations

Members will act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow by acting justly and promoting a cultural of respect for the law.

Respect

It is acknowledged that the exchange of ideas, and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive persona attack. Members should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, members and the Assembly itself. Members should therefore show respect and consideration for others at all times.

Good Working Relations

[Between Members]

Members should work responsibly with other Members of the Assembly for the benefit of the whole community. Members must treat other Members and the staff of other members with courtesy and respect. Members must abide by the Assembly Standing Orders and should promote an effective working environment within the Assembly.

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1

Room 34
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Mr Douglas Bain
Northern Ireland Assembly Commissioner for Standards
Room 283
Parliament Buildings
Stormont
Belfast
BT4 3XX

[01/07/13]

Dear Mr Bain,

Re: Official Complaint against Mr Jimmy Spratt MLA

I write to you regarding an incident on 26th June during a meeting of the Committee for the Office of the First and deputy First Minister as well as the subsequent behaviour of Mr Jimmy Spratt MLA of which I am making an official complaint to you in your capacity as the Northern Ireland Assembly Commissioner for Standards.

I would refer you specifically to the comments made by Mr Spratt during the meeting, both in his reference to those who oppose the proposed Peace Building and Reconciliation centre at the Maze site as 'nutters' as well as his subsequent remarks to the Chair of the Committee Mike Nesbitt whom he accused of 'spinning'.

I would be grateful if you would also investigate Mr Spratt's Point of Order following the departure of the First and deputy First Minister from the Committee. I find the language he used towards Mr Nesbitt to be totally unacceptable from an elected representative during the course of Assembly business, not least as his protestations were later proved unequivocally wrong.

It is also important to draw your attention to Mr Spratt's dealings with the Political Editor of the Belfast Newsletter, Sam McBride, where Mr Spratt made further denials and even threatened legal action should the newspaper proceed with the story.

The reality of the situation is that the recording of the Committee as well as the official Hansard report clearly show that Mr Spratt did use the term which he originally denied. Only following this clear evidence did Mr Spratt finally relent and issued a statement through the DUP press office.

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Your role is of the utmost importance in ensuring that MLAs uphold high standards of conduct. I believe that Mr Spratt fell short of the required standards during this whole affair and acted contrary to various aspects of the Code of Conduct which MLAs are bound to abide by. I believe his behaviour, the language he used and the allegations he made certainly merit investigation from you in this instance.

I have enclosed a number of sources below which you may find helpful.

Yours Sincerely,

Robin Swann MLA

Chief Whip of the Ulster Unionist Party

- Hansard of OFMdFM Committee meeting from 26th June
- Jimmy Spratt Press Release entitled "Jimmy Spratt Comments Following OFMdFM Committee Meeting"
- Belfast Newsletter article entitled "DUP's Spratt sorry for calling Maze opponents 'nutters'"

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2

Committee for the Office of the First Minister
and deputy First Minister

OFFICIAL REPORT (Hansard)

Programme for Government: Progress
Report from the First Minister and deputy
First Minister

26 June 2013

NORTHERN IRELAND ASSEMBLY

Committee for the Office of the First Minister and deputy First Minister

Programme for Government:
Progress Report from the First Minister and deputy First Minister

26 June 2013

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Leslie Cree
Mr Colum Eastwood
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr George Robinson
Mr Jimmy Spratt

Witnesses:

Mr Martin McGuinness	deputy First Minister
Mr Peter Robinson	First Minister
Mr Jonathan Bell	junior Minister
Ms Jennifer McCann	junior Minister

The Chairperson: I welcome all four Ministers from the Office of the First Minister and deputy First Minister (OFMDFM) and their teams.

Mr P Robinson (The First Minister): We have a full supporting cast with us today. Thank you very much indeed, Mr Chairman, for the invitation to brief the Committee today. Members will be aware that the deputy First Minister and I play a personal role in driving progress on the Programme for Government as co-chairs of the programme board. We take that role very seriously, and I am therefore very pleased to brief the Committee on the significant progress that has been achieved, as well as to highlight some of the challenges that we face in taking the programme forward to successful completion.

Our role, of course, is to provide both a challenge and support function, examining areas in which difficulties have arisen, identifying issues affecting delivery and then attempting to direct the efforts and, where necessary, direct resources to drive progress. That provides us with a good overview of the work that is being taken forward under the programme. I know that officials will be briefing you next week on the detailed delivery plans, and I am sure that you will want to question them on the

detail of those plans. Today we hope to give you a more strategic overview of the work that is under way and a flavour of the breadth of progress.

A suite of activities with the level of complexity and ambition of the Programme for Government cannot really be summarised by one or two numbers or by the simplistic categorisation of results through traffic light indicators. When you hear that, you know that I am about to do it. That said, a very good performance has been achieved against 84% of the commitments. That is an encouraging indicator of broad progress across a range of commitments. To understand the magnitude of the progress, it is worth looking at some of the most important achievements.

We had made five big commitments, the first of which was to contribute to rising levels of employment by supporting the promotion of over 25,000 new jobs. I am sure that you will be pleased to note that 13,914 jobs had been achieved up to March 2013 against a target of 13,300. So, we have exceeded that target. I think you will also know that, after that period in March, we had an influx of new jobs announced.

We also committed to increasing visitor numbers to 4.2 million and tourist revenue to £676 million by December 2014. Based on the available figures and in comparison with previous years, we are broadly on track to meet those targets for the end of the year. That will mean 3.47 million visitors and £519 million revenue.

One of the most important commitments was to reform and modernise the delivery of health and social care. That is a hugely important action, given the extent to which we all value our health and well-being and the level of expenditure on health and social care, which I think at the moment is approximately £5 billion per annum. We have gone to great lengths to ensure that those resources are used to the best possible effect. The Transforming Your Care consultation closed in January, with over 2,400 responses received. Implementation plans are being put in place, and issues identified in the development of those plans will be managed to ensure timely delivery and a positive impact on improving public health and patient care.

In addition to the "big five" commitments, significant progress has been made across a range of other commitments with an economic focus. For example, where the economy is concerned, air passenger duty rates for long-haul flights from Northern Ireland were reduced to zero from 1 January 2013; 143 additional science, technology, engineering and mathematics student places in further education colleges have been put in place; and 99.8% of children whose parents engaged with the process until the end obtained a funded preschool place last year. That is a hugely important development in promoting child development and in contributing to economic development by enabling parents to participate in employment.

One of the characteristics of the Programme for Government is that we made a very clear decision to integrate the economy and social objectives, in particular through OFMDFM's Delivering Social Change framework and an associated package of £28 million for the signature programmes. Essentially, a strong economy can help to promote an inclusive society and vice versa. Targets for the provision of new social and affordable homes have been exceeded, with more than 1,300 social and 500 affordable homes in 2012-13. An advisory group on hardship was convened and has presented us with a report making recommendations that we are considering. Some £2 million has been invested in programmes to tackle obesity, potentially impacting on the future health and well-being of people across Northern Ireland. A draft financial capability strategy has been prepared for consultation and will include key measures to improve people's skills in managing their financial future.

Through the Programme for Government, we have sought to go beyond the need for a vibrant economy and an inclusive society to protect and enhance the environment. Specific achievements include the following: a levy on single-use carrier bags has been introduced, and policy development work for the extension and increase of the levy in 2014 is in hand; and a statutory marine management scheme for Rathlin Island has been produced.

A strong dimension of the Programme for Government is the emphasis on tackling crime and addressing its causes. People need to feel secure, and we are determined that our actions will lead to improvements in real terms and in the perception of crime rates. One tangible example of that approach is the cross-departmental reducing offending strategy framework, which was published back in May. Furthermore, the Department of Health, Social Services and Public Safety and the Department of Justice are preparing the new strategy for domestic violence and sexual violence. The target for finalising that strategy is January 2014. Following consultation with the Lord Chief Justice,

the age and vulnerability of the victim are included as aggravating factors in sentencing guidelines. Policing and community safety partnerships have all now been fully established and are operational.

Transport is a crucial element of the programme. Phase 1 of the upgrade to the Coleraine to Londonderry line was completed by the weekend of 22 to 24 March 2013, which was ahead of the April timetable. A new timetable of services is up and running. A programme to deliver phase 2 of the project has now been agreed, and a procurement strategy is being taken forward. Water quality and waste water standards that were set out in the programme have been met.

The promotion of a strong and united community is one of the most challenging issues that we face. We are a single community, and, despite the challenges of our history, it is crucial that we work together to achieve that aim. On 9 May, we announced a historic programme of activity and support called Together: Building a United Community, including a United Youth programme for 10,000 young people not in education, training or employment; four new urban villages; 100 shared summer schools; the acceleration of 10 shared housing developments; the initiation of 10 new shared education campuses; and a target to bring down all peace walls within 10 years. Programmes for the development of major sports stadiums are progressing well. Progress on reform and modernisation of the Prison Service has been maintained.

Before I hand over to Martin, I think that it is important to say that, as would be reasonably expected, a small number of commitments are affected by issues that could result in a delay to delivery. We appreciate that the Committee does not want a sugar-coated report focusing on areas where performance is very strong but ignoring other realities. Where commitments require extra momentum, they remain firmly in our sights as targets for strong remedial and supportive action. Some of those issues are not entirely within our control, of course. For example, export figures for the year to March have been disappointing as a result of the downturn in demand from traditional export markets, such as the Republic of Ireland or, indeed, the European Union more generally. Growth in emerging markets, which we have been encouraging, has been strong but from a low base, and it has not been sufficient to offset the traditional markets that have fallen.

Of course, that is not an excuse for inaction. It is a matter of public record that we have made tremendous efforts to grow our export markets and to promote inward investment by engaging with countries such as Brazil, India, China, and so forth. The recently secured economic package agreed with Her Majesty's Government will provide more support for business and crucial infrastructure development. It will provide guarantees for a start-up loans and a £20 million stimulus for research and development investment plans. Guarantees, which we have secured on additional borrowing to build shared housing and schools, are vital to ensuring that we can deliver the central tenet of our Programme for Government. They will be absolutely crucial in moving Northern Ireland from the economic and technology margins into the global mainstream.

On that note, and with your agreement, Mr Chairman, I will hand over to Martin.

Mr M McGuinness (The deputy First Minister): Thank you, Peter. I also thank the Committee for the opportunity to update members on the progress that has been made on the Programme for Government. The word that best summarises this programme is "ambition". We are beginning to see the fruits of this with a level and breadth of delivery that, when you see it in its entirety, is genuinely impressive.

We are making progress across the most important and challenging commitments in the programme. I agree with Peter that, in scrutinising the detail of the plans, it is important that we do not lose sight of the wood for the trees. For example, I can see the need for members to feel that the Committee is being treated with respect, and, in that context, I understand the concerns about late papers. Those are legitimate concerns, although it is important to set them in context.

We need to ensure that our administrative systems are open and transparent, but we also need to ensure that they deliver outcomes on the ground: qualifications; jobs; and an improved quality of life. Those and similar outcomes are what people want and need. It is incumbent on us all to ensure that we work together to deliver those outcomes. So, our focus needs to be on delivery.

With that in mind, and with the agreement of the Committee, I would like to take it through some of the most important results that have been achieved so far. First, it is worth looking at our "big five" commitments. Members will recall that we committed to achieving some £1 billion worth of investment in the economy. That sum includes £375 million as a result of foreign direct investment; £400 million from indigenous businesses supported by Invest NI; and £225 million as a result of the jobs fund.

Members will be pleased to note that, in fact, some £783 million has been achieved to March 2013 as against a target of £550 million. That investment will benefit people, families and neighbourhoods. It is important, therefore, to note that we gave a commitment to supporting young people into employment by providing skills and training. Over 68,000 such placements were achieved to March 2013, as against a target of 65,000.

We have also put in place a suite of measures to raise educational standards, with particular focus on our most disadvantaged pupils. For example, members will be aware of work that is under way to appoint 230 graduate teachers to improve levels of literacy and numeracy under Delivering Social Change. Indeed, increased numbers of pupils are leaving school with five or more GCSEs or equivalent, A* to C, including GCSEs in English and maths. Significant efforts are also being made to achieve improved educational outcomes. By March 2013, almost 140,000 qualifications, against a target of 105,000, had been delivered to upskill the working-age population, including further education, higher education and essential skills qualifications. The commitments in the Programme for Government have been designed to ensure that everyone gets a chance to grow and develop to their full potential. We have worked hard through the Delivering Social Change framework to encourage Departments to work together to tackle multi-generational poverty and to improve children and young people's health, well-being and life opportunities.

The most visible outworking of that was the announcement of the six Delivering Social Change signature programmes totalling £26 million. Those include: additional literacy and numeracy measures; the establishment of 10 family support hubs over the next two years; additional high-quality support through positive parenting programmes to new and existing parents living in areas of deprivation; the rolling-out of an additional 20 nurture units in addition to the seven nurture units that the Department for Social Development is already rolling out; the development of approximately 10 social enterprise incubation hubs servicing areas of multiple deprivation over a two-year period; and the scale up and roll-out of a pilot intervention for 500 families to support young people not in education, employment or training so that they can develop skills and be linked to the employment market.

The social investment fund (SIF) is a key part of the Delivering Social Change framework. We are progressing projects that are coming out of the strategic area plans that have been developed by nine social investment fund steering groups. We are also developing a childcare framework, which we plan to put to the Executive providing an evidence base for investment of the remainder of the £12 million childcare fund. In 2011-12, some £322,000 was allocated from the fund, and decisions this year will allow further allocations of up to £4-5 million.

Almost 9,600 households have benefited from the warm homes scheme, and some 7,400 approvals were issued to boiler replacement scheme applicants. Around 8,900 double glazing installations were commenced in social homes, and some 4,100 inefficient heating systems have been replaced.

Commitments to ensure no increase in water charges and student fees have been delivered. In addition, £4 million has been invested in programmes to tackle rural poverty and social and economic isolation, and significant work is under way to relocate the Department of Agriculture and Rural Development's headquarters to a rural location.

Those commitments have been complemented by a range of actions to improve the environment. Measures that have been taken include the following: 15 new areas of special scientific interest have been declared; and household recycling and composting rates have increased. The latest figures suggest that the 2012-13 target of 41% has been exceeded, and the most recent figure for July to September 2012 is 44%.

The current action plan for domestic violence and sexual violence is operational until September 2013, and many of the actions in it are in progress, including the development of a programme for alleged offenders of domestic violence in conjunction with key stakeholders. That also includes the provision of an advocacy service for victims of domestic violence and a pilot court-listing process for cases of domestic violence; and enhancing legal professionals' awareness of domestic and sexual violence.

The action plan for antisocial behaviour, which was developed following agreement of the community safety strategy, has been agreed by the regional steering group for community safety and by the Justice Committee on 17 January this year. Key actions that will be delivered within the first 12 months of the plan include: promotion of best practice in tackling antisocial behaviour; clarity around roles and responsibilities; and securing effective partnership working. Over £300 million has been invested in sustainable modes of transport, and Peter mentioned our desire to build a united

community. There is no doubt that that represents a huge challenge for all of us. The 'Together: Building a United Community' document represents the most ambitious good relations strategy ever produced here, and it is also our best chance of leaving a legacy of good relations to future generations.

Going beyond the strategy and the associated actions, there are a range of important commitments in the Programme for Government that can promote social cohesion. For example, the 2012 Irish Open championship was highly successful, demonstrating the capacity to host international-standard golf events here. Recent announcements indicate that the return of the event in future years is a strong possibility. Events such as that promote confidence among the whole community that things are changing. In addition, 15 public realm schemes have been completed at an approximate cost of £7.48 million to promote private sector investment in towns and cities. Again, such measures promote confidence, as well as creating genuinely shared physical spaces.

Just on about shared physical spaces, if you are looking for an example of how an area has transformed people's attitudes on the foot of a strategy to develop in a way that brings people together, you need look no further than three weeks ago in my own city. At the Ebrington site, a former military base that is now a public realm shared space area, 45,000 to 50,000 young people, of all religions and none, from every part of the North of Ireland had the most fantastic three days imaginable. There was not even a hint of trouble. I think that that is a first-class example of how we can move forward in a way that brings our young people together. I also think that our young people are ahead of the posse when it comes to where they want to go in that they want to move forward in a united way. That is not to mention the success of the Return of Colmcille and the overall success of the City of Culture celebrations, which, over the first six months, have been absolutely extraordinary. There is every likelihood that the next six months will be even more extraordinary.

To continue to deliver at this level, we need to keep up the pressure to achieve public sector reforms. It is important to note that the new local government district boundaries have been approved and that the Local Government (Reorganisation) Bill has been drafted with a view to early introduction in the Assembly. Furthermore, online access to government services has increased significantly, and a number of new projects have been taken forward or are on track for delivery later this year or early next year. That includes OFMDFM's social investment fund grant-management system, the Department of the Environment's retailer registration system and the Department for Finance and Personnel's (DFP) online genealogy search-and-payments system.

I hope that you will agree that those developments collectively represent a huge level of progress. However, as Peter noted, not all commitments are proceeding as smoothly as we would like. There are a number of areas where further work is required to agree our policy position, such as in the proposed legislation to tackle age discrimination in the provision of goods, facilities and services, and in the publication of a sexual orientation strategy.

Although people might understandably be quick to criticise debates about the implementation of policy, I think that the public has the maturity to understand the value of honest discussion to reach an honourable shared position. It is important to stress that while discussions are under way, a great deal of work is ongoing by officials to ensure that those issues can be progressed. As Peter said, outside the areas where we are taking action to improve, performance delivery against the commitments has been strong. I believe that investments in preschool places, tackling obesity, tackling rural poverty and isolation, and avoiding increases in student fees and water charges are delivering real benefits for people now and will help to address serious social issues in the long term. So, we are confident that the progress that has been achieved to date provides a strong platform for the delivery of the Programme for Government over the remainder of the period. We are committed to continuing to drive progress and to playing a leadership role in responding strongly to any emerging issues that might affect progress.

So, we look forward to discussing all this with the Committee. Thank you.

The Chairperson: Thank you both very much indeed.

I will begin with the relationship between the Committee and the Department. I want to pick up on something that the deputy First Minister said in the context of something that the First Minister said with regard to the challenge and support function. The Committee's role is to scrutinise, and that is not the same as criticising. Scrutiny can lead to support as easily as criticism. As the deputy First Minister acknowledged, there has been an ongoing issue with delay in responses to the Committee from the Department. Some are over six months old. For the period 2012-13, 63 of 74 responses,

which is 85%, were late as per the guidelines. We get late papers and have cancellations of briefings. I believe that one briefing was cancelled at eight minutes to two. So, you get the picture. Do you take a view on it?

Mr P Robinson: Obviously, we want the best possible relationship between the Department and the Committee. This Department, and, therefore, this Committee, is unique in its form of government in that it is a joint Department. That means that there are significantly more hoops to jump through and significantly more hurdles to get over. The guidelines, which were probably set up for "normal" Departments, as I will describe them, sometimes make it very tight for our officials and the Ministers to meet those deadlines. However, as I said about the various goals in our Programme for Government that are falling behind, we will continue to look at those issues and at how we can speed up responses and ensure that our officials and Ministers give the best possible service to the Committee.

Mr M McGuinness: As I acknowledged in my comments, on previous occasions, delays have affected the provision to the Committee of papers relating to the Programme for Government. In large part, that has been as a result of the evolving process of information-gathering and management for the Programme for Government. I think that now having established a robust and efficient system for monitoring and reporting, we are confident that information will be available and will flow to the Committee much more promptly. The appearance next week by officials I think might present an opportunity to establish a schedule to allow the Committee to plan the forward work with greater certainty. So, we are absolutely committed to trying to improve a very obvious difficulty that puts the Committee at a disadvantage. We acknowledge that.

The Chairperson: I appreciate the commitment.

Mr Eastwood: You are all very welcome. Thanks for your briefing. There is so much to talk about, but I have a couple of specific questions. Martin, you touched on the sexual orientation strategy. The previous time that you were here, the First Minister said that that strategy would be published by, I think, last December. What about the age discrimination legislation and the goods, facilities and services legislation? Can you take a view at this point on whether young people will be included in that? Finally, will the extension of the Assembly term, of which we are all aware now, have any impact on the Programme for Government commitments and timelines?

Mr P Robinson: I will take your last question. The junior Ministers will probably want to comment on the other issue, because they are directly dealing with it.

You asked about the extension of the term. We are probably in a fairly privileged position with the kind of system that we have. We might not always see it as such, but because the same parties, largely, will come back, it does not stop us from looking beyond the immediate Programme for Government, which was a four-year programme. We hope that, within the four years, we will have reached the targets that we have set and, therefore, will be looking to set another range of short-term or interim targets as we move forward. Again, we will look for any advice and comment from the Committee on how we handle that transition, because we had set up for a four-year Assembly and produced a Programme for Government on that basis. Therefore, we have to consider whether we look at something for one year or do something that takes us beyond that, without the knowledge of who will be returned after an election to deal with it.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): Do you want me to take the question on age discrimination?

Mr P Robinson: It was on sexual orientation, was it not?

Mr Eastwood: Either one. I asked a question on both.

Mr Bell: You got both issues into one question, which was quite clever. I will take them in order. First, the shared future strategy, Together: Building a United Community, includes a commitment to publish a sexual orientation strategy in 2013. A consultation document that will inform the public consultation on the strategy is under consideration in our Department. The strategy will be published once the 12-week consultation process has been completed. Our officials continue to work with the lesbian, gay, bisexual and transgender forum, which has put forward proposals for the strategy and the required supporting actions.

On the age discrimination and goods, facilities and services legislation, there has been extensive engagement with Age Sector Platform and the Pensioners' Parliament. There was a long-standing lobby for something to be done to extend the legislation on goods, facilities and services to cover age discrimination. We included a commitment on age discrimination in our Programme for Government.

England provides an interesting comparison. It has already commenced the process of extending the legislation and its benefits to older people. We sought and continue to seek to learn from the passage of that legislation.

As you rightly point out, Mr Eastwood, a new secondary lobby has emerged that seeks an extension that will also include younger people. That would, I think, be a huge departure from the existing provision in this jurisdiction, and from provision in the UK and Europe. That should not, however, be a barrier to progressing novel and socially innovative legislation, but the Committee should also understand that doing so, given the scale, nature and number of provisions required, would be hugely time-intensive. We will continue to consider the issue, looking at where there is international best practice and discussing the subject with those who have expressed a sectoral interest in it.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): I just want to make a point about the goods, facilities and services legislation. We have engaged extensively with the older people's sector but also those representing the younger people's sector. The view is that the legislation that we will introduce on goods, facilities and services should not allow discrimination on any basis. There is no view among any of the sectors that we have met that the legislation should not include older and younger people.

Mr Eastwood: Without getting into a debate, what is the Department's view? Has it a settled view on whether the legislation should include young people?

Mr M McGuinness: The scope of the legislation has to be agreed. The issue has been discussed by the Delivering Social Change — the equality and human rights framework — project board, and a Bill team is being put in place to undertake preparatory work in anticipation of agreement being reached. We have to be up front and honest about the fact that we have not yet reached agreement, but I think that the team will assist in expediting the issue. I hope that we will achieve agreement on how we move forward, but it is still a work in progress.

The Chairperson: Mr Bell, if I heard you correctly, you said that a consultation document on the sexual orientation strategy will inform the public consultation.

Mr Bell: Yes.

The Chairperson: So there will be another —

Mr Bell: There will be another 12-week public consultation after that consultation document is agreed.

The Chairperson: You will not be surprised to hear me say that you told the House, last year, that you expected that out by the end of that calendar year?

Mr Bell: I imagine that, when I said that in the House, that was my expectation at that particular time, but we are still working on the consultation document.

The Chairperson: So what happened to change your expectation?

Mr Bell: We continue to work on it. We have to agree the consultation document before we can put it out to public consultation. It is a work in progress.

The Chairperson: Has something frustrated your expectations as articulated that day in the House?

Mr Bell: We have not got agreement yet on the consultation document.

Ms McGahan: Thank you for your presentations. How vulnerable are we to world economic factors in seeking to deliver against the Programme for Government targets? What approach do you intend to take, given the delay in progress on the A5 road scheme?

Mr P Robinson: Any economy in the world is subject to world economic factors. No one knows that better than us, with the global economy and the recession that we have had. Clearly that has had an impact. We could rightly have expected to have had a very considerable peace dividend, but we have ended up, because of the global recession, having to manage a decline. Therefore, it has been a major factor, and we have had to cope with the very significant impact of what has happened in the Irish Republic. We are a close neighbour, and anything that happens there will have an impact here. The cut in expenditure in the United Kingdom has had an impact on what we can do. As I indicated at the very beginning, one of the export targets that we set has been hampered because not only the traditional routes into the Republic of Ireland but those into Europe are restricted. People simply are not buying as much as they used to, so it has a big impact.

As far as the A5 is concerned, we were exceedingly disappointed that the issue effectively had to start all over again, but there is an absolute determination on our part, shared by Executive colleagues, that the project should go forward. Of course, it was to go forward in partnership with the Government of the Irish Republic, and they indicated to Martin and me, at the time when that they were facing their difficulties, that they would come back in the autumn of 2013 and see whether they could make a further contribution. We took that up with the Taoiseach when we met him during the G8 informal discussions. Again, there is an opportunity perhaps to get some of the stuff that we had set to the side because of the difficulties that the Irish Republic was facing to allow us to have a larger scheme than just the various stretches of road that we had in mind initially. However, there is an absolute determination that we will go forward as soon as we can get the legal difficulties resolved.

Mr M McGuinness: There has been a lot of discussion since the court made its decision on the A5, and there appeared to be some notion among some elements that the project was dead in the water. It is quite obvious, from the position that we have taken, that that is not so. We now have to go through a legal process, and the Department for Regional Development is charged with the responsibility of taking that forward. The entire Executive are absolutely conscious of the fact that the A5 is a major Programme for Government commitment.

It is also part of the decision-making process in the North/South Ministerial Council. Peter is absolutely correct that, every opportunity that we get to meet the Taoiseach, such as at the G8 in Fermanagh and again at the British-Irish Council meeting in Derry last Friday, we reminded him that there was a commitment that, when the Irish Government review the state of their finances later this year, it just might provide an opportunity for them to signal publicly that their end of the bargain will also be fulfilled. That could fit in neatly with the time frame for the legal processes that we have to go through, which we estimate will probably take between 18 months and, at the very outside, two years. We have agreed that, in the event that the green light is given for the project, the funds will be available to ensure the commencement of what is a very important scheme. It is important not just in the context of the road to Dublin. It is an important road to Belfast, given that many people west of the Bann in Fermanagh and, in particular, County Tyrone would have their travel time to Belfast considerably shortened by the improvement of the road. There is a double gain in all of this: a far better road to Belfast from the west and a top-quality road linking us to Dublin in a way that I think would send a very powerful message internationally that we are getting our act together on vital infrastructure, which is badly needed if we are to attract foreign direct investment.

Ms Fearon: Thanks for your presentation. Apologies for being slightly late.

You both spoke about the need to stimulate economic growth. Obviously, that is hugely important. What are your thoughts on what role or impact the economic pact made between the Executive and the British Government will have in helping us to deliver against the economic targets in the Programme for Government, and in real terms for people on the ground?

Mr M McGuinness: It is a very positive development from our perspective. There is no doubt that the economic pact will bring considerable gains to us and allow us much more flexibility and the ability to progress schemes that, ordinarily, we would find very difficult to progress. One of the less-spoken-about aspects of the economic pact, which surprised me given that the First Minister and I had, over the course of some considerable period, flagged it up, was our concern over whether the coalition Government were going to fulfil the commitment to the peace dividend that was agreed with the previous Administration in Downing Street prior to the establishment of these institutions in 2007. I take, as I am sure that Peter does, considerable satisfaction from the fact that the pact now clearly represents getting that back on track. Why is that important? It is hugely important for the construction industry, which has taken a very severe hit owing to the economic downturn over the past

number of years. The assisted areas strategy is also very important, given the huge role that Invest NI plays in attracting foreign direct investment. Look, for example, at the fact that during a time of world recession, we were able to attract more foreign direct investment jobs into the North than at any other time in the history of the state. That clearly shows the importance of the assistance and aid that is given to those major companies, some of which are world brands that have decided to locate here. In doing so, they present a very positive message. Apart from that, there is the Peace IV money, and the extra £50 million on top of that. All of that is of huge importance. There is no doubt whatsoever that the economic pact will give us considerable tools to push the economic platform that we have placed at the front and centre of our Programme for Government.

Mr P Robinson: Perhaps the first thing that I should say is what the economic pact will not do on its own. That relates to our view that we need to have the ability to set a lower level of corporation tax. The pact does indicate a process. That is important, because that was not there when first we met the Prime Minister on the issue of the economic pact. He agreed that the Government would take a decision in 2014, after the Scottish referendum. What has since been added, because of pressure from this end, is that, if that is a positive decision, the Government will implement it during this parliamentary term. We all know that there will be no guarantees about what Government might return and what their view might be on these issues.

The economic pact is a long document. It really is worth reading, because there are a number of even small issues that mark ongoing work that could turn out to be very valuable. There are some things that do not have a price tag beside them, and therefore the press miss them. Those, again, can be very valuable, and I suppose that an example is the issue of reaching an agreement with the Republic of Ireland over the use of a visa into the Republic of Ireland that can also be used to go on to visit Northern Ireland. You and I know that no one is standing on the border to ask for people's passport and to see what their visa says and that people could come up if they really wanted to. However, foreign travellers, I think, will keep very much to what the procedures and protocols are, and if we can have an arrangement that they can plan and book ahead to make hotel reservations, or whatever else, that allows a lot of people more freely to come rather than have to go for two visa applications, which is a bit off-putting. We are hoping that, in the longer term, the biometrics that would allow that more free travel throughout the islands will be sorted out between the UK Government and the Government of the Irish Republic.

The other thing that is important to us is the potential to increase reinvestment and reform initiative (RRI) borrowing. The specific level of increase is to allow us to look at the shared future projects. We have some misgivings, and I will put them out at the early stage, because it may be a defence for me at a later stage. Our concern is that we all know how long it takes to get a process under way before you can get on the ground and start building, never mind start paying for what has been built. To have the RRI borrowing increase for the period up to 2016 means that the various Departments will have to work very hard and very fast to be able to meet those kinds of deadlines. There will be deadlines with planning, deadlines with procurement and deadlines that will occur with the whole of the tendering process, particularly if European tendering is required. Therefore, it will be very tight for us to be able to spend the money in that period, although we have a very clear direction from the proposals that we have announced on what we would like to spend it on.

Mr M McGuinness: Some people might be concerned about some of the remarks that Vince Cable made on corporation tax. Those caused some confusion last week, but it was very fortunate that Nick Clegg, the Deputy Prime Minister, was in Derry for the British-Irish Council, at which the media asked him about this issue. Peter and I were very pleased that his answer was in accord with David Cameron's approach that this will be dealt with in the aftermath of the Scottish referendum. Obviously, we would like to see it happen before that, but they have made their decision. We are still absolutely committed to fighting for this, because, in our opinion, it is a game-changer for attracting more foreign direct investment jobs. The Vince Cable comments did throw a bit of a spanner in the works, but it was made very clear by his party leader that he is in accord with David Cameron on the issue. That is good news.

Mr P Robinson: One other factor as I think about it is, as you will remember from conversations in the past, the £18 billion shortfall from our capital budget. One of the things that has been encouraging is that, although there is a penalty on the revenue side, the Treasury has been increasing capital sums to us. With the Budget, the pact and the announcement today, you can see the capital figures going up. It looks as if, if they retain that same trajectory, it is certainly possible for us to meet the figures that had been initially promised.

Mr G Robinson: I thank the Ministers for their very impressive and very positive presentation. I have a couple of points to make. First, what process is followed to ensure that commitments that are not meeting their targets are brought back on track? That question is for the First Minister.

Mr P Robinson: The whole purpose of our having the process that we are engaged in is so that we can identify where there is a problem in the system rather than just leaving it in a Department. It, therefore, gives the deputy First Minister and I the ability to see what the cause of the problem is and work along with the Department that is facing the challenge that has slowed down the progress. Officials will then monitor that much more closely as they move forward. If it is determined that it is something that requires more resources, it is clearly something that we will bring to the Executive to see what additional support can be given.

There are, however, some areas in which it is really out of our hands. If it is because of an impact from the global economy, civil servants and Ministers can spend day and night trying to resolve the issue, but we are not going to be able to get the same hold that would allow us to turn the situation around. We have all the systems in place with our central team, and it is the team's responsibility to identify and mark the progress. We had a review meeting last week or the week before at which we went over each of the commitments. We went into detail about problems that were being faced by the ones that were not in that 84% and looked at how we can assist in reaching the targets. On many occasions, we can see a way of speeding up progress, but I would be dumbfounded if we ever produced a Programme for Government and met 100% of our targets. In fact, if we ever did, I would be questioning whether we were sufficiently stretching ourselves in the targets that we had set. Equally, if we are, and there are already some indications that we are not just meeting but exceeding some of the targets in the time frame in which we are operating, again we will continue to look at whether we should set more robust targets.

I do not want to discourage Departments from making a full-blooded attempt to meet targets by indicating that, if they do, we will make it harder for them, but the whole purpose is to keep stretching officialdom here to do better and better. I have to say that we are very well-served and perhaps they do not get sufficient praise. In fact, they probably do not get any praise at times, so let me give it now.

Mr G Robinson: I have a supplementary question. Do you believe that any of the commitments in the Programme for Government need updating in light of the experience of the first year of delivery?

Mr P Robinson: As I indicated, we were ahead on some of the delivery targets. There are none that we are particularly looking at exceeding. I know that the delivery oversight group has been attempting to ensure that the necessary actions are taken to avoid any recurrence where there is a difficulty, but it would be a very nice problem to have if we had to up targets.

To go back to Colum's question from earlier, if we are going to stretch our Programme for Government for a further year, clearly we have to look at targets again in almost every area.

Mr G Robinson: I have one more question, which concerns the G8. We all remember that it was the most peaceful G8 in its history. Do you think that that can help us in any way from a tourism point of view?

Mr M McGuinness: When Peter and I were in Downing Street for the announcement of the economic pact, I predicted at the press conference afterwards that my sense was that it would be the most peaceful G8 in history.

From our perspective, it can do nothing but good. The publicity around it, the message that it sent out about how this place has changed — you could not buy that publicity. I think that it sent a very powerful message to the international community that we are open for business and that we are a society that is moving on.

There was huge interest at the G8 from the leaders. Peter and I were at Lough Erne and had a very real engagement with all the leaders, including Angela Merkel, the French president and President Obama. The French president and Angela Merkel were hugely interested in the role that we are playing in the field of conflict resolution, given that representatives of many of our parties at this table have been to places such as Havana, even in the past couple of weeks, contributing to the Colombian peace process. We have had people in the Philippines and people in Burma. They were hugely interested in all of that, and I think that that sends out a very powerful message.

Even this week, Peter and I went to the Global India Business Meeting (GIBM) in the Europa Hotel. There were 150 senior executives from India having their conference in the Europa, with all the baggage that the Europa has had down the years. I think that that tells you how things are changing. All those people will go back to their own country with a very positive message about what we are trying to do. All of that also vindicates our strategy of not being inward-looking. If there are opportunities in China, India, North America or Canada, my attitude is that if you do not go, there is no chance of getting. Moreover, of course, the Japanese prime minister came to Belfast and issued an invitation. One thing that is for sure, particularly with the venture into China, is that the Chinese appreciate it when you come back. If you go on a one-off trip, you just do not register on the Richter scale for doing business with them. Therefore, I think that the G8 was an enormous success.

Mr G Robinson: A win-win situation.

Mr M McGuinness: Absolutely, and I want to pay tribute to everybody who contributed to that. There was a whole range of people involved in government and our emergency services who contributed to it. I also want to pay tribute to the protesters, because they were protesting about things that many people around this table are concerned about — conflict in the world, world hunger and things like that. The fact that they were peaceful, with, I think, one minor infringement, speaks volumes for the way in which they were prepared to respect the success of our peace process.

Mr G Robinson: And our police force as well.

Mr M McGuinness: Absolutely. I said the emergency services, and I include the PSNI in that.

Mrs Hale: Welcome the Committee. Thank you very much for your very positive report. We are very good in Northern Ireland at looking for the doom and gloom and finding a negative aspect, but George is right in saying that it is very positive.

Given that the report was published in March, can you give us an update on the performance in the intervening months? Have any of the poorly performing areas improved? First Minister, you touched briefly on the fact that, owing to the economic climate, there has been a slight decrease in exports. What role do you believe OFMDFM can play in helping Invest NI attract foreign direct investment? I know that the deputy First Minister touched on that briefly.

Mr P Robinson: First, the one thing that we do not want to get drawn into is trying to predict what the next set of figures might look like. We have put in place what I believe is a very independent process for evaluating the progress that has been made against each of the targets that we set. I indicated in my earlier remarks that, for instance, for jobs coming in, the figures that we have given, which themselves have exceeded the target set, were from before we got many thousands of additional jobs over the past number of weeks. Things are looking good on that front, and perhaps that relates to George and Colum's questions on whether we upgrade some of the targets, although if Alastair Hamilton hears that, he will be on the phone very quickly.

We will not try to predict what is going to happen, but you are right to say that it is a hugely positive report. We do not close our eyes to the fact that there are some areas in which we are not reaching the targets that we had set for ourselves, and we therefore have to look at how we can get socks pulled up in those areas. As I have indicated, there are some areas in which things are largely out of our control. You may want to deal with the other part of the question.

Mr M McGuinness: I referred earlier to the importance of engaging with people who may be interested in foreign direct investment here, but it is also important to promote the export of our manufacturing goods to areas that, perhaps, are not as tied in to foreign direct investment here as, for example, North America and the United States.

Our role is to support, whenever possible, the work of Invest NI. Almost all of our trips are in conjunction with the work that Invest NI is doing in different locations, whether in India, China or North America. It is hugely important that we give political support. The message that always comes back from the trade delegations that go out there is that they think that they are taken much more seriously if political support is seen to be there in the countries that they visit.

I know that there have been critics of the foreign trips, but the best defenders of those trips are the business community. Of course, during the Japanese Prime Minister's visit, we had a very important announcement of over 400 new jobs at Larne. All of that clearly argues for a very close and tight

working relationship between Invest NI and our Minister of Enterprise, Trade and Investment, who does sterling work travelling the world advocating for more jobs with considerable success. Even over the course of the past six weeks or two months, there has been a fantastic number of announcements.

The unemployment figures have dropped in each of the past four months. I say that while being very conscious that something could jump up and bite us next month or the month after, but our hope has to be that that is a trend. If we can continue to bear down on the unemployment figures and put people to work in meaningful jobs with good wages, we can be proud of that, particularly if we are doing it now against the backdrop of what has been a very damaging world recession.

In short, the link between Invest NI and us, through the Department of Enterprise, Trade and Investment (DETI) and the Office of the First Minister and deputy First Minister, is hugely important. Our job is to play a supportive role for them.

Mr P Robinson: It might be worthwhile, from the point of view of the Committee's workload, to point out that we are already working on an international relations strategy. You will have heard our comments after the visit to China that we were given clear advice by the Chinese authorities that we should, for instance, focus on a particular part of China and look at setting up an office in Beijing.

We are looking at where Invest NI has a presence and the shape of that presence, and at what presence the Executive should have in various places around the world. We are a country with 1.8 million people, and if we want to have real economic growth, we cannot sell goods to one another. We have to go out well beyond our boundaries, and export growth is what this economy requires. That means us having a presence elsewhere and sending Ministers out. Even when Ministers go out on behalf of their Departments, they should be looking to see what role they might play in selling and marketing Northern Ireland as a location to visit or as a place with which to trade or invest in.

The Chairperson: Most Committee members have been at the Executive's office in Brussels. In fact, the last time we were there, we bumped into the Invest NI rep, who, as you know, has a presence there. No one disputes the value of having, perhaps, a presence in Beijing along those lines.

Mr Spratt: I thank the Ministers for a very positive report. I was pleased to hear the First Minister talking about the Londonderry line and the fact that £27 million had been spent that was going to be lost from the deferred A5 project. I am glad that it was opened in good time and earlier than we expected for the City of Culture events. The procurement stage is now on for the loop, which should mean increased travel and services on that line. That is a good news story for tourism.

With regard to the amendments that were agreed to the Planning Bill in the past couple of days; do you believe that they will have a positive role in helping to deliver against the Programme for Government targets? In my Committee this morning, one area that was red related to the money that has not come in from the Belfast Harbour Commissioners. However, the very positive aspect to that is that the Executive have allowed spend by the Harbour Commissioners on the new terminal for the tourist ships and all the rest of it. The figure is around £20 million each year for a two-year period, which would be £40 million. The actual spend for Northern Ireland and the Belfast area is anticipated to be £50 million or £60 million each year as a result of the new terminal — additional jobs and all the rest of it. That is a good news story that has not really got out there.

I think that we need to be positive in all these things and see not the negative spin that is sometimes put on things by the press and other people, but that, fair enough, you did not get £20 million in, but you are actually megabucks ahead for jobs, the new terminal and all the rest of it, and that will go on year after year.

Mr P Robinson: We have not given up on the fact that the harbour is an asset and should be an asset for Northern Ireland. It does a tremendous job and it is a first-class facility. The Port of Belfast is a very important link for our economy. Therefore, nothing we do should damage its civic potential. Nonetheless, the economic pact recognises that there are ways that we can realise some benefit for the wider community from the profits that are gained by the harbour. It is not simply a port facility, and we have to recognise that. There are two or three thousand acres of land, so there is a very significant development aspect to it, and it is only right that the wider community should get some benefit, particularly at a time when funds are difficult.

With regard to your first point about planning, I have read some of the hoo-ha in the newspapers about how people have managed to twist for political purposes the nature of what was being sought through

the planning amendments. Martin and I spent about an hour yesterday with a local company that wanted to extend its business and provide an additional 130 jobs in a much-needed part of the Province and had been sitting waiting for two years and four months for the permission. Now, if you want to be serious about getting jobs into Northern Ireland, even from our local businesspeople, we really need to look at planning and ensure that we get the right outcome.

I have been in many parts of the world and have spoken to people who were looking to invest in Northern Ireland and who have been put off by our planning experiences. It is internationally recognised that Northern Ireland has a poor planning outcome. If you have that out in the international community, a message has to go out to the international community to say that things have changed. I believe that that is the kind of message that will be sent out by what we have done. Far from it being a power grab, it is already our power. There is nothing that we have done that we could not have done by circuitous means.

We have been open and honest in the process. We have a responsibility for dealing with any cross-cutting issues. This is a cross-cutting issue between the Department of the Environment and DETI and, therefore, we have a particular responsibility for those matters. We have had legal advice and, as far as we are concerned, we could challenge various issues within planning and have them brought to the Executive for decision. I do not think that that was the route to take.

We have not inserted ourselves into the process. There will be no planners in OFMDFM; we will not be operating the planning system. The Department of the Environment will do that, and it will continue to do that under the amendments. All that will happen under the amendments is that we will have the ability to identify zones. We do not have the power to grant permissions within those zones; that will have to be done in conjunction with the Minister who is responsible for the Department of the Environment. If there is not agreement between us, the Assembly will take those decisions. What could be more democratic than that? That is what will happen in district councils up and down the country. Are we saying that our Assembly Members are less capable of deciding these matters than councillors?

There has been a lot of hoo-ha that I think was politically driven. The reality is that we need to speed up our system and have some certainty about what the outcomes might be. It will not throw things wide open. We are not going to be building factories in the middle of scenic areas. That is not what it is about, and everybody knows that. It will be a sensible process to ensure that the wee man who came to see us yesterday can get a decision at the end of the process, and can know whether he has to put his business somewhere outside of Northern Ireland or whether he has to lay people off because he cannot continue to grow. Those are the kind of decisions that this country needs to take.

At the end of the day, this is about whether you are on the side of those who would slow down every process that is available, or whether you are on the side of those who want jobs and who want to get out of poverty. Unless we can grow our economy and produce jobs, that is exactly the road that we are heading down.

Mr M McGuinness: There was a lot of scaremongering during the debates in the Assembly this week. There is no question or doubt that that was for political grandstanding purposes. It came from a Minister who has always protected his independence from the Executive. He is not a team player; he has his own political agenda.

I concur with everything that Peter said about the arguments that were made about this being a land grab by OFMDFM; it is absolutely nothing of the sort. All sorts of other arguments were used to try to undermine the work that we have been doing in the Office of the First Minister and deputy First Minister. He even had the audacity to raise the issue of the past. Of course, I do not ever recall that same person being willing to major in that during the years 1999 until 2002, when the first Executive was in place under the stewardship of the SDLP and the Ulster Unionists. Sometimes people have an absolute brass neck about how they approach these debates.

Look at the work that we have been doing. Apart from Peter in his introductory remarks, we have not yet touched on the issue of Together: Building a United Community, although I expect that someone will raise it, and the effort that we made to bring all the political parties together to work out who the independent chair of the body will be. I have to say, with great disappointment, that the SDLP briefed a journalist about the outworking of that discussion, in a way that I think undermines our effort to get a person of huge calibre to chair such a body. I think that the SDLP did a great disservice in briefing that journalist.

The Chairperson: Deputy First Minister, clearly the Minister is not here to answer the original points that you made. On the issue of the briefing or not of the media, you appear to have knowledge that I certainly do not have. I think that it is probably appropriate to offer Colum, if he wishes —

Mr Eastwood: I do not have any knowledge of anybody briefing —

Mr M McGuinness: I did not accuse Colum of doing it.

The Chairperson: No, but he is the only representative of the SDLP here. He is the brief writer.

Mr Eastwood: I have no knowledge of that. I cannot answer an accusation that I know nothing about.

Mr M McGuinness: I do not expect you to answer it. What I am saying very clearly is that I have a major responsibility, along with Peter and the Office of the First Minister and deputy First Minister, to bring forward a hugely important piece of work to deal with contentious issues such as the past, parades and flags, symbols and emblems. Representatives of all the political parties came together in a very serious endeavour to work out a mechanism for how we would put in place a list of people who we would seek to chair that body on an independent basis. The names of some of those people were leaked to the media in an article that quite clearly had SDLP input. I cannot go past the conclusion that that name was deliberately leaked to the media and, in doing so, did a grave disservice to the hugely important work that we are engaged in.

The Chairperson: As you in a position to indicate a likely time frame for the appointment or an announcement of the chair of that all-party group?

Mr M McGuinness: It is a work in progress —

Mr P Robinson: A person is being approached.

Mr M McGuinness: Yes; absolutely. However, I think that people leaking stuff to the media makes it harder to get people to agree to do these jobs.

The Chairperson: The point has certainly been made and noted.

Mr Lyttle: Thank you for your presentation, Ministers. I welcome the progress that has been made in some of the key areas in job creation and growth in the key sectors of the economy: tourism, ICT and the creative industries. There are some key social and economic issues that people have serious concerns about.

I did not think that we were going to rehash the debate on the Planning Bill. However, I think that the point that was made on the Floor of the Assembly during the debate was that no one disagrees that there needs to be increased certainty and speed in the planning system, but if you are looking for that, OFMDFM is the last place to send it. I would be interested to know whether you think that there are other issues that contribute to a less than adequate planning system, such as staff and resources, and whether there are any likely changes or additional resources that are going to be available in that regard.

I want to take some of the key issues. Why do you think that the childcare strategy has been delayed for so long? What are the outstanding issues that continue to hold up the childcare framework? The Committee received evidence that Northern Ireland is in the region of 10 years behind the rest of Europe on childcare provision.

Ms J McCann: There is no doubt that there is a gap in childcare provision. For some years, we have been involved in engaging with the sector. We have engaged with parents and carers and those who represent childcare organisations. We brought forward the proposals that are now out for consultation.

As you will know, I engage constantly with those sectors, and the feedback that I am getting is quite positive. We have a £12 million budget for the childcare strategy. Some moneys have been spent, albeit very small amounts. I do not know the exact figures so I do not want to give them, but a substantial amount of money will be going out over the next few months to the projects and programmes that have come forward.

It is like everything else: you have to engage with people whom it directly affects. A lot of the issues that come back, particularly for parents and carers, relate to the fact that women are the primary carers for children in our society. Many of them work different hours than 9.00 am to 5.00 pm, so our childcare strategy has to be very flexible. We are looking at shaping it in that way. It has to be child-centred and have a focus on employment and training opportunities for people. We have had to take all of that into consideration. We have also had meetings with people who have come to the likes of Bronwyn to discuss rural childcare. That has been a big piece of work, but we are on board in trying to ensure that it will be brought forward very soon after we get the reports back.

Mr Lyttle: Is there a timescale for finalising the framework?

Ms J McCann: To be honest, Chris, I would not like to say an exact date now because I am not certain of it, but we predict that you will see a lot of progress made on that sometime this year.

Mr Bell: I think, Chris, that you are looking at weeks. As everybody knows, health and education had this responsibility during previous Assemblies and it has only come into OFMDFM. So, OFMDFM took up the mantle after there had been no agreement in previous Assemblies. We have looked at a number of excellent childcare features that are in place in Northern Ireland. In 2011-12, £322,000 was allocated. Recent decisions by OFMDFM will allow another £4.5 million to be allocated to childcare. We are delivering against the objective and vision of high-quality childcare being accessible and affordable for every child aged 0 to 14 by 2020. Key to that is trying to ensure that parents can get quality and approved information on childcare provision by enhancing the FamilySupportNI website and developing an app to allow parents greater accessibility. The increased provision of childcare services, particularly school-age childcare, in which research and information indicated there had been a significant shortfall. We have also improved the uptake of the available financial support to meet the cost of childcare.

We have taken on tackling the situation of children with disabilities and particular needs, as well as childcare in rural areas. Some of the money allocated has gone to our most peripheral rural areas. We have developed workforce skills in children, in addition to allowing some money for the Department of Health, Social Services and Public Safety to look at the registration of childminders, so that we have the proper quality, standards, Access Northern Ireland checks and everything else in place to ensure that childcare provision is there. When you see the document in the next number of weeks, against the background of an additional £4.5 million on top of the £322,000 allocated, you will see the process accelerate.

Mr Lyttle: On education, you mentioned the Building a United Community strategy. The president of the United States recently used his speech to refer to his concerns about Catholic and Protestant children having their own school buildings and his fear that that may encourage division. The First Minister also made a strong statement, with which I agree, that it is fundamentally wrong that our education system separates our children on the basis of religion at such an early age. In what way will the proposal to have 10 shared education campuses help to address those concerns? Is that adequate to meet the wider Northern Ireland community's apparent ambition? Why is there no detailed mention of the role that integrated education could play in addressing that issue?

Mr P Robinson: Let me touch on that. I am not sure that there is any difference between where, from your point of view or mine, we want to see things finish. At the first ever DUP conference, I put forward a motion on integrated education. It was supported at the conference. I moved to a new concept of shared education. It was not accidental, and I did not indicate that I had given up the hope that, sometime in the future, our children would be educated together throughout the length and breadth of the land. It is borne by the reality that we have to deal with the logistics of where we are at the present time. We have a school system with a number of sectors that you simply could not change overnight. It will have to be a process.

When you looked at the 'A Shared Future' document, the strategy itself, you will have seen the careful language that this was a process towards one single school system. That is the aim. Martin and I have talked about that on many occasions, and we have used the analogy that if we were starting afresh and determining today on a clean piece of paper what we would do, we would never do what is the status quo in Northern Ireland. We would have a fully integrated school system. We need to get from where we are to where we want to be, and we need to do it in a way that we can bring people along with us.

The shared future projects allow shared classes, shared schools and shared campuses, all of which, though not the answer in themselves, are on the road to the answer. So, nobody has gone cold on the ultimate objective. We recognise that we need to make a good start, and we believe that that is a good start.

For instance, I met with the people from Lisanelly. They have ambitious proposals, and they are very determined that this is the right way forward. You will see when we designate the campuses that they will be among them. I went down to meet the people in Moy, and I met the principals of the two schools. They are looking to move into one school building. I cannot help but think that although, in the initial period, the ethos of the existing schools will be there, somewhere down the road, whether it is this year, next year or five years from now, the two principals will not say to each other, "We are spending resources on having two geography teachers. Is there Protestant geography and Catholic geography? Surely, it makes good sense to have classes being educated on that together." You can go through a whole range of the curriculum. Bit by bit, we will get to exactly where you want it to be. I just do not think that the cost can be borne by the state to do it in the one-step process that some of us would like, nor do I think that we would get the necessary co-operation, and you must bring people along with you in this process. If you force it on people, you will have difficulties.

The one area where I think that you could detect a deficiency in where we are at the present time is that there are a number of integrated schools that have the will and capacity to take on more pupils but are not being given the permission to do so. That is something that we have to look at, but we have to look at it in a way that does not do violence to other schools in the area.

Mr Lyttle: First Minister, you mentioned bringing people with us and cost. Is it your assessment that the ideas in Together: Building a United Community are ahead of the wider community view in relation to educating children together and that 10 shared education campuses will cost less than setting targets or policies to introduce more integrated education?

Mr P Robinson: Let us be clear: 10 campuses is the start. It is not going to resolve the problem of a divided educational sector. It is a process that must go on. We must continue with this process until we get to where we want to get to. As to whether we are in front, behind or alongside the wider community, I believe that this is consistent with the wish of the overwhelming majority of people in Northern Ireland who want to see division at educational level broken down. This allows us to do it in a way that will not have stand-up resistance to the process in which we are involved.

You mentioned processes, and there are other things that can be done. We have not stopped the journey of building a shared education system in Northern Ireland. That goes on, and there are other things that can and will be done.

Mr Lyttle: One other quick question —

Mr M McGuinness: Are you going on to a different question?

Mr Lyttle: I would be glad to hear from you on the previous one, deputy First Minister.

Mr M McGuinness: I do not think that there is any difference between where Peter wants to go on integrated education, where you want to go, and where I want to go. However, people sometimes have a simplistic notion that you can just flick a switch and integrate the education system overnight. That ignores the reality that we are dealing with a legacy of history.

Over the past five years, we are on record, not just here in our own country but when we are asked about this when we go to other places, as saying consistently that, if we had a blank sheet of paper, there would not be a hair between where we are coming from in respect of our preference for an integrated schooling system. However, life is not as simple as that. As a result of history, we have ended up with a state-controlled sector and a Catholic-maintained sector. Even today, I read that Bishop Donal McKeown is criticising a poll — I do not know who did the poll, but it was in the 'Belfast Telegraph' — because he said that the questions were loaded.

The trick is to bring about a situation in which people agree in principle that we absolutely need increased contact between our young people, heading towards a fully-integrated system. We can do that only if the major elements and major stakeholders in education are prepared to sign up for that. I take tremendous encouragement from what I am hearing now. The Lisanelly project experienced some difficulties over a judicial review with one school, for its own reasons that I respect, not being

prepared to come on board. That school has now signed up to a memorandum of understanding with the other five schools. That really liberates the situation as regards putting in place a shared campus at Lisanelly, which I see as an iconic project.

Even down in Armagh, very important discussions have taken place. We are going in the right direction. We are not going to do it at the flick of a switch. We can do it only through making a very powerful case. I think that we are doing that through the decisions that we have taken in the last short while about the need for increased sharing in education. We must do it by bringing everybody into the tent and ensuring that they recognise the importance of moving in a direction that sees our kids integrating for the first time in history.

Obviously, there is impatience in the integrated sector. I was Education Minister from, I think, December 1999 until October 2002, a very difficult period when the institutions collapsed on three occasions. I am very proud that the first big decision that I took then was to authorise the commencement of two new integrated schools. There is a considerable consensus between politicians about where we need to go. I hope that those in the educational arena will recognise that it is absolutely and eminently in the best interests of all of us that we have an accelerated rate of sharing and integration in our education system.

Mr Lyttle: The challenge and difficulty is that what we are discussing is not about a flick of a switch but a long-term strategy that has set a particular direction.

Mr M McGuinness: Yes. However, when you listen to some commentators and people who are asked about this, you almost think that they think that, within six months or a year, you can move from the type of education system that we have now to a fully-integrated system.

Mr Lyttle: I would certainly not say that.

Mr M McGuinness: It will not happen like that. It will happen through a process of education over time and through people working in a spirit of co-operation to make it happen.

Mr Lyttle: I understand that a deadline of December has been set for the outcomes of the working group on flags, parades and dealing with the past. It is also my understanding that there is an ongoing review of the flags protocol working group. Have there been any recent meetings, determinations or proposals from the flags protocol working group that will be of use to the additional working group that has been set up?

Mr P Robinson: Whatever discussions there are, we can make available any thinking that there is on the issue. At the end of the day, flags protocol working groups will not solve our problems for us; we will have to solve them ourselves. That will mean sitting down, having what are described as uncomfortable discussions, and looking to see where we can reach common ground. We may not be able to reach common ground on issues or, indeed, all parts of each of those issues, but we have to keep trying. The fact that we have not succeeded to date indicates how hard it is to reach agreement on these matters. There are matters that touch on issues such as identity, which fire up communities when they feel that they are under threat. Those matters have to be handled sensibly.

It was for that reason that we agreed two things. First, we agreed that we will have an independent chairperson who will have a responsibility for bringing forward a report on the widest level of consensus that it is possible to reach within our own all-party group. The all-party group would be able to bring in stakeholders to discuss the matters with their particular expertise. For instance, within the last few days, I spoke to a group of victims who want to have a role in discussions on the issue.

This will tackle it in a different way than before, and I trust that we will get some progress. If you are running down to Paddy Power, or whoever is about these days, you might not want to put your house on it. However, we have to make progress in hope. If the people around the table make a genuine attempt, they will certainly be able to reach agreement on a wide range of issues, though perhaps not on every issue.

Mr Lyttle: I welcome the fact that you have taken the Alliance Party's proposals for an independent chair and inclusion of wider stakeholders. The Committee also met the victims group, and I agree that their inclusion in this type of process is essential.

The Chairperson: Before I bring Leslie in, I want to go back to something that Jimmy brought up, namely the Belfast Harbour. If a sale or long lease were deemed to be the best thing to do, would there be any ideological barrier on either side of the House to that course of action?

Mr P Robinson: I am not sure that ideology is the issue that will determine it. Quite frankly, in the harbour we have a jewel. Selling it, particularly at a time when we would perhaps not gain its true value, may not be seen as taking the widest long-term view. There is also the issue of whether we sell it as a core harbour or whether we sell the development lands and separate what is at the harbour. Along with your colleague and mine, the Minister for Regional Development, we have looked at a range of options. Further work is being done on that.

Mr Spratt: I raised the £20 million aspect. It was a matter for the Programme of Government that that £20 million has now turned into a benefit to the Northern Ireland economy year after year in the form of extra jobs, the new terminal and stuff like that. So, in actual fact, I was complimenting the Executive and Ministers on how they looked at that money, the legal aspects of getting it, and how it is being better spent in the overall economy.

Mr P Robinson: I think that we should remember how this whole process began. It began at a time when we had a Budget review group, comprising representatives from political parties, sit down to consider the issue of where we could get some money in if our Budget were to be cut by the Treasury.

This was one of the areas identified. It was a Northern Ireland asset that was making a significant profit; so, surely, at a time of hardship, it could make a contribution.

The Assembly passed a Budget predicated on the basis that £20 million would come from the harbour. If, over the period of the Budget, the harbour had given over the £20 million, no consideration probably would have been given to changing the way it operates. However, because they "lawyered up" and went public to indicate that this could not be done, we took legal advice. The Attorney General made it very clear to us that we could do this and now the economic pact has indicated that the United Kingdom Government, if necessary, are prepared to give us the support.

There was the view that we could not do it and that it would have to be done at Westminster. Now, it is very clear that we can make progress, and I hope that we can resolve things. As I said earlier, the port is a credit to Northern Ireland. It is doing a good job, and it would be a shame to start shaking it up and turning it around and not being quite sure what was going to come out at the end of it. However, we need to have some wider responsibility to the Northern Ireland community beyond the fiduciary responsibility that they tie themselves to at present.

Mr M McGuinness: On the ideological approach, the previous Assembly had an all-party group that objected to the privatisation of the harbour. I think that that group felt that selling the harbour would not represent value for money. If you look at the activities and operations that are currently taking place at the harbour, not least with the turbines and so forth, you will see that it is a success. When you are driving along the M2 into Belfast in the morning, it is quite stark to see the massive operations that are taking place.

For us, as Peter said, it was about how the harbour would contribute to the shortfall in our Budget as a result of the cuts that came from London. We have not given up on that, and we will continue to explore how we can get the best result possible so that we can move forward. It has particular relevance for the Department for Regional Development, in whose domain the harbour sits.

Mr Cree: Thank you very much, gentleman and lady, for your answers so far, which have been forthright. On that last point, I hope that the Minister for Regional Development gets the hole in his budget plugged, because that is a problem for him.

I have three quick points to make, if I may. Reference has been made to the economic pact, and, in that, there was reference to the possible devolution of further fiscal powers. Can you share with us what those might be? One of the difficulties that small and medium-sized enterprises currently have is cash flow, and DETI has a loan fund of around £50 million, which is intended to provide liquidity for small businesses. That has been delayed. Can we have an update on that? Will it still go ahead, and, if so, when?

Finally, on an issue that I have a particular interest in, we have a major problem with the current Budget processes. Over two years ago, a lot of work was put into developing a new process that

would be clear and accountable and provide direct read-across and allow better scrutiny of all the numbers involved. It was approved by the Committee, the Minister and, indeed, by the House when it was the subject of a debate. I understand that it has been stuck in the Executive for the past two years. I may be wrong, but I understand that some other Minister who is not a team player is holding that up. Is it possible to try to move that forward in the interests of having a better system?

Mr P Robinson: Let me deal with one or two of the earlier points, and Martin will take the latter one. On consideration of the use of other fiscal powers, there have been discussions on things such as aggregates tax and stamp duty. It is nearly a tongue-in-cheek point to say that you could also consider a tax on harbours and ports.

Obviously, those are things that you could consider. We have a regional rate as opposed to the kinds of tax-varying powers that Scotland has, although has not used. The bottom line on this is the fact that, generally speaking, when people want you to have the power over various taxes, they want you to have the powers so that you do not exercise them at all. They want you to bring them to zero, as is the case with air passenger duty (APD). The likes of RRI borrowing looks for us to bring in additional income so that we pay off whatever the additional borrowing is from additional income, rather than paying it off from the block grant. So, we need to ensure that we do not simply have fiscal powers so that we can bring them to zero and not take any advantage from it.

What was the second matter that you raised?

Mr Cree: The £50 million liquidity package.

Mr P Robinson: We started a fund for small and medium-sized businesses. Indeed, I do not think that we even restricted it to them. It was for businesses that were having difficulty in being able to access borrowing from the banks.

It is a very popular scheme, and the most recent time I spoke to the Invest Northern Ireland chief executive, he was talking about perhaps having to get it topped up next year. That says something about our banking system, does it not? The one aspect of the pact that we really have to push is the willingness expressed by the Prime Minister to look at the banking system in Northern Ireland.

Effectively, we are a prisoner to banks that are not Northern Ireland-based, and that puts us in a very weak position, particularly during a recession, when there is an inclination to draw back. Obviously, we have difficulties because the National Asset Management Agency has hold of a number of very significant properties in Northern Ireland and because the Presbyterian Mutual Society has a number of properties tied in.

All of this causes a drag on our system. So, from our point of view, we have been looking at various ways in which we can get additional borrowing. There are certain guarantees that the Government are willing to give, but unfortunately, the kinds of schemes that they are looking at are very significant major schemes of which we do not have that many in Northern Ireland. They have to be what the Government refer to as being of national significance. So, we are not talking about a small area where you are building houses or even, perhaps, a hospital. We are looking to see whether we can get something that is of regional significance to us to be considered to be of national significance to them.

Mr M McGuinness: On fiscal powers, we are considering with the Government how best to maximise all of this in order to bring maximum benefit to our Executive. I think that it is very important that we are all open-minded about how we can do that. The fact that we have had the APD power devolved to us and that we are arguing for the "biggy", which is the ability to lower the rate of corporation tax, means that we have shown ourselves to be an Executive that are open to ideas on how the devolution of fiscal powers can enhance our prospects on developing our economy.

You can correct me if I am wrong, but the last issue you raised was a reference to an issue between the Department of Education and the Department of Finance and Personnel. There are ongoing discussions around that. It centres on the view of the Department of Education that the strictures put in place by DFP in some way impinge on its ability to manage its own budget. I hope that that can be resolved shortly.

Mr Cree: I hope so, because it does not affect anyone else, apparently.

Mr M McGuinness: That is right, but the Minister of Education is 6 feet 4 inches, and Sammy is —

Mr Cree: I will back you up.

The Chairperson: Leslie is now leaving for an Assembly Commission meeting.

Mr Maskey: I thank the Ministers and their team for the presentation. It has been good in so far as we got an update on the delivery of the Programme for Government. It is very helpful.

Quite a bit of information has been given to the Committee early on, at least we were reminded early on, even in your opening remarks, First Minister, that a lot of the work has been done across all the Departments, most of which never sees the light of day because of the prevailing negative narrative out there.

However, you were honest in acknowledging that some of the commitments have not been delivered because of political disagreement. It is important that we acknowledge that. It is not surprising that it is the case, but it is good to know that we are continuing to make further progress and shortening the time frame for decisions.

Further to that, I want to address a couple of issues. I share the remarks that I have heard in commentary recently in that I think that some remarks from some parties have gone well beyond party politics; they have damaged the body politic. It is important, therefore, to see a welcome step change from OFMDFM, which, as Peter said earlier, has taken on a unique role. It is not just a Department, it is the leadership of the Executive, and it has the very important role of co-ordinating and driving the corporate Executive project along. So, I see what I hope will be a step change in driving that agenda with the recent announcements on the planning amendments, even though there is some controversy around that.

It is an important initiative. Taken in perspective, it is quite reasonable, and there are a lot of protections built in. The decisions on 'Together: Building a United Community' are very important. I welcome all that progress and what I see as a step change in the approach. It is needed. One criticism, which, to some degree, you will acknowledge has some merit, is that the period of following through on actions has sometimes been too protracted. Will there be a framework within which 'Together: Building a United Community' will be delivered and driven by the Executive as a whole? It cross-cuts a number of Departments.

There are big issues such as the Maze/Long Kesh site and the conflict resolution centre. Are we sure that there is a process in place to drive 'Together: Building a United Community' and to make sure that the big commitments such as the Maze/Long Kesh site are continued? It is important that we continue with what most people see to be very progressive and economically advantageous developments.

Mr M McGuinness: The publication of 'Together: Building a United Community' was a very important initiative on our part. It came about because we were not prepared to wait until a point when we had total agreement in all the political parties. Some parties had different views about how that should be taken forward, and we had to try to get as much consensus as possible.

We have put forward a document that has been well received, and the reaction to it was very interesting. Some commentators derided it, but those people who will gain the most from it — people at grass-roots level — were very welcoming of the initiative. I take comfort that people at grass-roots level in communities see it as a very important piece of work to bring our community together. That could be through the opportunities for the 10,000 young people to work in environments that they are not normally in or through the 10-year project to bring down the wrongly named, I think, peace walls. They are hideous things that we all want gone as quickly as possible, with the consent and full support of the local communities. We will continue to drive forward with that in a way that clearly shows that we have the ability to deliver on all the objectives that we have set ourselves in that paper. It has been well received, but we are very determined to deliver on that in the future.

I will now turn to the issue of Maze/Long Kesh. Peter may also want to say something about it. I look at the pioneering spirit of the Royal Ulster Agricultural Society, which is overseeing the first major project on that site, and the enormous success of the Balmoral show this year, with something like a 20% increase in attendance. Obviously, the public had no difficulty whatsoever in associating themselves with the site, the Royal Ulster Agricultural Society's very ambitious programme to develop its operation and, around that, all the other opportunities that we have to develop our agrifood industry.

It is an absolutely marvellous site, which will include the peace building and conflict resolution centre project.

Given the number of groups from all over the world that have come here to learn from our experiences, it is quite obvious that such a centre is absolutely essential. It is disappointing that there is some opposition to it. The other day, we were speaking to Daniel Libeskind, one of the world's great architects, who designed the new world trade centre in New York, which is going to be an absolutely fabulous piece of work. It has gained overwhelming support in New York after initial reservations had been expressed. The powerful thing that he said to us was that when he designed the new Jewish museum in Berlin, there was massive opposition to it, but that, once it was constructed, the opposition disappeared. When the building opened, there was nothing in it, but people came in their droves and spent €10 just to see it. That appears to be the type of building that he is seeking to establish on the Maze/Long Kesh site.

I have no doubt that it will be an overwhelming success once people see it in place, and once they see that we are being very sensitive about how we deal with the nature of the content of the peace building and conflict resolution centre. We are taking on board the reservations and concerns expressed, including by people who, at the moment, are hostile to the development. We all have to be very sympathetic, empathetic and compassionate to one another. The last thing that we want to see on that site is a shrine to anything other than peace and peace building. That is achievable, and I think that people should give it a fair wind.

Mr P Robinson: First, I appreciate the remarks that you made at the beginning about the nature of OFMDFM. I do not think that too many people recognise the role that is played by the Department. It is not like other Departments, which have various functions assigned to them and they operate those functions, administer them and take decisions in relation to them.

When everything else gets gummed up in the system, it comes to this Department. Therefore, it is unfair of people to say that there are delays in OFMDFM. We get the problems that other people cannot resolve. When a Minister cannot get sufficient support for a strategy or a Bill, it comes to us to try to resolve the issues and work our way through them, because we have that particular role. When you give us all the difficult stuff to do, do not be surprised if it takes a bit longer for us to work our way through those things. As was indicated, the Department plays a unique role.

I could go on for a very long time about the Maze/Long Kesh project and wear out the Chairperson's patience. I have no doubt that republicans, unionists and, indeed, others in between will all have a different angle of vision and will look on the proposals and the site in a different way.

It is important to recognise how I was confronted with it. When I came into office, decisions had already been taken about that site. A panel, led by the former chairman of the Ulster Unionist Party had brought forward a report that required, not just that the buildings be listed, but that they be listed speedily. Not only had the panel asked for that to happen, but it had asked that the peace-building and conflict resolution centre be based on the site. It had proposals for a range of other things, but, unlike what other people are trying now to suggest, there was no conditionality about one thing being required on the site or else the whole game was off. There was a proposal on the site that, in timetabling, two things should be brought forward together, but there was not conditionality about what should be on the site.

As soon as that report was endorsed by the then First Minister and leader of the Ulster Unionist Party, a decision was taken by the Government to proceed on the basis of that plan. When devolution was set up, there were very considerable levels of opposition raised, mainly from the football community, but not solely from it, about the placing of an arena on that site. Regrettably, some people chose to widen that argument to an attack on the site; I was not one of them. However, the reality was that there was not sufficient consensus to have the sports that were being designated using an arena on that site, and it was agreed that we would help to fund arenas in different locations for those three main bodies.

As a result of that, we still have all the rest of the elements, and you cannot undo the decisions that were taken unless there is cross-community agreement. So there was cross-community agreement for changing the nature of having a stadium there, but no cross-community agreement for any other aspect of the site being removed. In the system that we have, we need to have support from both sections of our community in order to go forward, and, at the same time, in order to make a change, you have to bring both sections of the community along with you.

So what I am indicating is that, the moment I came into office and had to deal with this issue, there were two clear choices to make. You either had to run, or attempt to detoxify, some of the initial proposals that came forward from the panel or else you just simply had to lock up the site, let the tumbleweed blow around it, do nothing with it whatsoever, forget that there could be thousands of jobs for people who could be employed in there and the economic growth that could be gained for our economy as a whole by having that fantastic site, well-located, opened up for more commercial use. Those were the two choices I had. I am glad to say — and I think it was the right decision to take — the view was taken that we should attempt to make the facility one that the whole community could buy into. As we went along, there was a recognition on the part of Sinn Féin that, by moving away from the original Ulster Unionist-led proposal — which was to have the peace-building centre in the middle of the retained buildings — we could get a higher level of support and consensus. I think that that was a wise decision to take and it showed that we were prepared to try to reach agreement on those matters.

The Royal Ulster Agricultural Society (RUAS) came in very strongly. It showed a vision of what could happen on that site, and we have only seen part of the vision of the Royal Ulster Agricultural Society. As Martin has indicated, over 100,000 people, more than at any time before, attended the Balmoral Show this year. That indicates that there is no cold factor around the site for the general public. The RUAS will be just as close to the retained buildings as the peace centre will be.

However, there is an issue that seems to conflate the peace centre with the retained buildings. What we have been careful to do in OFMDFM is to retain certain decisions that will be taken on a cross-community basis by ourselves jointly to ensure that we have the maximum degree of consensus as to what goes on on the site.

When we listened to Daniel Libeskind who gave us a presentation, he showed us what it was that he wanted to have in the peace building. There is nothing in that presentation that anybody out there would be in the least bit concerned about. There are no museums in it, and there is no exhibition space in it. It is an international peace centre such as you would see in other parts of the world, with research facilities and an amphitheatre in order that people can discuss these issues and have lectures on the subject of peace creation. It will have break-out rooms, a library and catering facilities — it will have all those things. It is not a museum or visitor attraction. It is precisely what Martin indicated that it is. It is to help people from around the world where there are conflicts to sit down and share experiences so that they might be better able to resolve those problems. However, it is not just for those from around the world, because we have enough difficulty still continuing in Northern Ireland to employ it full time ourselves. We still have reconciliation to get within our communities, so there is still ongoing work to be done in that peace centre.

All the scaremongering that is going on out there, and I have had it before — I have had it before in my more recent political career when we tried to deal with policing and justice. We had people saying that the first Justice Minister would be Gerry Kelly, that Martin McGuinness was going to be hiring and firing judges and that the matter was going to be a subject for the North/South Ministerial Council. All of it was bogus, scaring people out there as to what might happen. As soon as we took the decision, not a problem was raised thereafter. We had an election immediately after we took that decision, and it was not raised once on the doorstep. That is why I go forward to this project in confidence, because I believe that people who have seen the RUAS show see the fantastic opportunity that there is on that site. As soon as we get a partner for the commercial elements and investment element of it, I believe that people will open their eyes wide at the prospects that we have of job creation on that site.

When we have a peace centre, people will say, "What on earth was all the talk about?", because there is nothing in that peace centre that will offend anybody. The very name of it would suggest that, far from being a shrine to terrorism, it is something to show that there is a better way to reach agreements, to try to avoid violence and to try to avoid terrorism from occurring, and that has to be the way forward.

People should be very careful in what they say and do about this centre in the weeks and months ahead because I believe that time will prove that there was nothing to fear, that this is a facility of benefit to the people of Northern Ireland and that it will advance what we are attempting to do in Northern Ireland in building our peace and in growing our economy.

The Chairperson: As First Minister, you have put your thoughts on record in the Hansard report in some detail. I think that it would only be fair to say that, first of all, David Campbell would contest your assertion. He believes that when he chaired that committee — he used this word — "selectivity" was agreed by all parties; that nobody would buy into anything other than the whole proposal. For the

record, Edwin Poots represented the Democratic Unionist Party on that development panel, chaired by David Campbell.

Secondly, on the Ulster Unionist position on the retained buildings, I would direct you to the minutes of a planning committee meeting of Lisburn council on 12 February 2004, chaired, as it happens, by Edwin Poots, when the Ulster Unionist Party put down its opposition to any of the buildings being retained at the old HMP Maze. That is just for the record.

Mrs Hale: Sorry, Chair, just with your indulgence; I sit here as a Member for Lagan Valley, and Maze/Long Kesh is right in the middle of my constituency. Can I just say that when I canvassed previously and when I canvass now, there is no local opposition to the Maze or the buildings within it.

Mr Spratt: Except the nutters.

Mrs Hale: The Ministers have both said that the people of Northern Ireland not only voted at the ballot box but with their feet, and they voted with their pockets when thousands of them paid money to go into the Maze — nobody dragged them in.

Can I just say also that we talk about responsible journalism. We are in a position where we must be responsible politicians, and to scare people at home and to fabricate issues that may or may not arise is not responsible politics at all. We should carry that responsibility very seriously.

You are talking about Lagan Valley. It is my area. It would bring jobs for all of Northern Ireland and put us on the world stage.

The Chairperson: Let us not conflate the development of the Maze site, which I think is a great idea —

Mrs Hale: I do not take that very well: we need to look forward and at how we are moving Northern Ireland forward. The Maze is a vehicle for that. Either we all get on board or we can leave —

Mr P Robinson: Mr Chairman, you cannot get away with the argument that you are attempting to put forward, which is not to mistake the development of the site with the position of the retained buildings or the peace-building centre. That is a totally inaccurate and, as you know, impossible position to adopt.

The Chairperson: Let me ask you this, First Minister —

Mr P Robinson: The decision to place the peace-building centre there had already been taken. The decision to retain the buildings had already been taken. Those are facts. That could not be changed unless there was a Damascus-road experience on the part of Sinn Féin, and the SDLP for that matter.

The Chairperson: I have one last question because I do not want to get bogged down in this.

Mr Spratt: Not like you.

The Chairperson: Jimmy, some of your interventions, such as calling the people who are against the peace-building centre at the Maze "nutters", have not been helpful.

Mr Spratt: I did not say that.

The Chairperson: I heard you.

Mr Spratt: Well, we will debate that, Chair. I would ask you to take what you have just said off the record because you are spinning again.

The Chairperson: I am not spinning, Jimmy.

Mr Spratt: It is your normal way of trying to do things. You will not spin me or spin stuff that I am supposed to have said, that I did not say, in the context of the way in which you are trying to spin it.

The Chairperson: I ask the First Minister and deputy First Minister, does the peace-building and conflict-resolution centre have to be built on that site?

Mr P Robinson: The then chairman of the Ulster Unionist Party asked for it to be built there. The then leader of the Ulster Unionist Party agreed that it should be built there. The Government then decided that it should be built there. Therefore, it will be there unless there is cross-cutting agreement between the deputy First Minister and I that it should not be. Does anybody think that that is going to happen? Therefore, the only choice that we had, if you wanted to stop the peace-building centre being built at the Maze, was to lock the gates. I ask you, if you had my decision to make, and you had either to lock the gates or make the best that you possibly could of the arrangements that had been agreed, which would you have done?

The Chairperson: I am interested in where we are —

Mr P Robinson: You tell me: what would you have done?

The Chairperson: I am asking the deputy First Minister —

Mr P Robinson: So, you are not going to answer me?

The Chairperson: Does it have to be built at the Maze?

Mr P Robinson: You are not going to answer.

Mr Maskey: Chair, can I ask a question?

Mr M McGuinness: Hold on, Alex. Hold on a wee second. The reality, Chair, is that this peace-building and conflict-resolution centre will be built on the site of the Maze/Long Kesh. We are absolutely determined that the first bricks will be laid on the site in the autumn of this year. When that happens, all those who, up until that point, have been opposed to it, will need to re-evaluate their position, because I think that there will be overwhelming support for it. I think that the public will understand that it is not part of any sneaky deal or underhand agreement to, in any way, create difficulties for any section of our community. This is a very genuine attempt to put in place a peace-building and conflict-resolution centre on the site of something that is known worldwide and to send a very powerful message to the world about how the place where we live has changed. I think that that makes sense. It makes sense to Daniel Libeskind and his wife. They have never been as excited about any project that they have been involved in as they are about this one. It was he who raised the issue of the Jewish museum in Berlin, which he designed, and the fact that there was massive opposition to the building of it. Once the bricks were laid and people saw the building, they came to it in droves, even at a time when there was nothing in it, because they came to see the building.

Now, we need to be smart about this. People, particularly in the political arena, know in their hearts and souls that there will not be any reversal of the decision. Too much work has gone into it and there is too much to be gained as a result of it. What I appeal to you and others to do is to recognise the importance of working with us. I think that if you work with us, you will get a pleasant surprise about our attitude to how this is managed and how it is delivered in a way that can bring maximum cohesion in our community.

Why would I be interested in supporting a project that is going to be in any way used by anybody as a divisive tool to create difficulties in this society? For the past 20 years, I have worked to try to build the peace process. I have stood against the forces out there that believe that they have the right to plunge us back to the past, and I have been threatened for it, but it is not going to stop me. My absolute determination is to work within these institutions. Their strategy is to divide Peter Robinson and I, but we are not going to allow that to happen. Every single deed that they engage in makes us stronger, more dedicated and more committed to standing together with all the parties in our Executive to ensure that we do not slip back to the past.

The message that the centre will send internationally about how this place has changed will be as powerful as the coming to Fermanagh of some of the most important leaders in the world last week. That is the message that I want to see go out. There is no other message I want to see go out. The centre can only be a shrine to peace, peace building and how conflict can be resolved. We know, and you know better than anybody else, the amount of interest that there is in the international community

for our people to go to different parts of the world to explain what we did, without us going to those countries on the basis that we have a solution to their problems. We had to find our own solution to our problems and come to our own agreements. All that we can do is to outline for them the approach that we used.

At the moment, there is much talk in the media about the US Administration having been talking behind the scenes to the Taliban for the past three years. Now, within the next couple of days, formal discussions are going to take place. That is where the world is going. The world is moving decisively — and I think President Obama is part of that — in the direction of how we can resolve conflict as opposed to perpetuating conflict. We have a role to play and I think that, through the centre, we can play a very powerful and very responsible role and assist in the ending of conflict, which causes the loss of life of tens of thousands in many other places throughout the world.

Mr Maskey: I asked the question because we are here to discuss the progress of the delivery of the Programme for Government, and this is a very important element of that. I have listened to the First Minister and deputy First Minister, and I am well satisfied that they fully understand that there are very important and significant sensitivities out there. As we have rehearsed here this afternoon, we need to take all those matters forward with a lot of compassion and sensitivity, but, nevertheless, we still have to deliver those things.

Our job as a Committee is to scrutinise how the Programme for Government is delivered, not just unpick it, which is what people keep trying to do. I think there is a fault line in the Assembly, and sometimes it is reflected in here, which is fair enough, because people are entitled to have opposition to different things, but there is a Programme for Government, whether people like it or not. It is there. Our job is to make sure that it is delivered by holding the Department to account for the delivery of it, not to tear every commitment asunder because we do not like it. It is a re-run of the Programme for Government arguments. It has been agreed.

I respect you, Chair, because you have complained on a number of occasions, and you have quite sensitively made the point privately to my party colleagues. You have not abused your position as Chair to argue against delays with papers, and so on and so forth. However, by the same token, our job is to robustly hold the Department to account for delivering the commitments, not to unpick them every time we get an opportunity.

I think that parties in the Assembly have to reflect on their current positions, because there is a Programme for Government, which has been agreed. That is the process that we have here. We now have to hold the Departments — all the Departments — to account for delivery of that. That is our job, not to unpick those arguments every day of the week. We do not have that luxury. Our job — I think Brenda made the point earlier — is to work together to get those things done. That is what our job is. I am satisfied, from what I have heard today, that the big-ticket issues are being delivered and that the kind of problems that have been associated with the Department — some justifiably, some not — are being addressed. We are now shortening the time when decisions are being taken, and I hope that continues to be the case as we move forward.

The Chairperson: We will have just one more question. I know that you have been here for a long time, and we appreciate it.

Mr P Robinson: You sound like somebody who is about to take the pin out of the grenade. *[Laughter.]*

The Chairperson: You are supposed to think that.

My question relates to the social investment fund. Obviously, that has not gone as originally planned, and I know that there are good reasons for that. I want to know where we are now. To be parochial, in Strangford — I know that junior Minister Bell will know this — there is a feeling among the south-eastern zonal advisory panel that Lisburn cleaned up with regard to capital projects, and it is now sitting looking at the next wave of proposals. The advisory panel felt that it would have been very helpful if the statutory people were brought on board those panels, because the voluntary and community members of the panel believe that it is only the statutory people who have the expertise, the data and the research that would enable them to feel confident that they would have more success in the next round than they had with the capital projects. Can you give us an update on where you think we are with SIF?

Ms J McCann: May I answer your last question first? The statutory bodies were not brought on board at the beginning because it was always meant to be an area-based plan and that the community and voluntary sectors should feed in what their communities wanted. It was always felt that they were best placed to know what their areas needed to include in their area plans and, once those plans were identified, they would look at bringing the necessary statutory organisations on board. There was no point in having a whole raft of statutory organisations, and that may not have been what that area was asking for. That is why it was structured in that way.

With regard to how it is going, the final plans have now come forward and are subject to the review. Work is ongoing with OFMDFM officials who are working on the strategic investment fund. They are looking at all the business cases and making them ready. I take on board what you said, because I heard you mentioning a particular area in the Assembly. It was the job of the social investment board that was set up in those communities to decide and put together actions plans and bring forward the business case, working in conjunction with consultants and officials in OFMDFM. As you can imagine, there would be quite a number of community projects and people will want to access money from the social investment fund for those projects; therefore, priority projects will have to be picked. It was always going to be the responsibility of those community organisations and the SIF board to put forward the projects that the community wanted. That was always how it was envisaged that it should be rolled out.

I assume that you are talking about the top 10 projects that have been brought forward in specific areas. Those projects were brought forward by that SIF board, so it is really up to that SIF board at local level to decide the projects that it wants brought forward. I suggest that that is where that needs to be brought back to and cleared up.

Mr P Robinson: The list came forward — it was certainly cleared in my office last week — with the names of the business and statutory representatives. As has been indicated, the whole purpose behind the social investment fund was to get grass-roots involvement and to have people deciding for themselves what they wanted to happen in their area, rather than them being told by statutory bodies and others what should be happening in their area. Therefore, if you had put the statutory bodies on at an early stage, they would have applied some influence, I am sure, to the process and where the money should be spent, and you would not have got the true feeling of the local communities. I think that holding them back was the right thing to do. It has now been cleared.

With regard to where we are now, I am glad that all the zones brought forward their agreed area plans; they were received by the date that we set, which was the end of February. I understand that — literally within days — we are expecting to get the evaluation of them from our officials. As I understand the process from then, a certain number of them will go forward for business case to the Department of Finance and Personnel. That is largely the course and the timetable that we had set, and it seems that it is now being met. Later on this year, it is hoped that we will see actual money being spent on the ground and the improvements taking place that local communities want.

The Chairperson: I thank all four of you very much for your time.

Mr Spratt: Point of order, Mr Chairman, and I would like it written into the record. You made reference to a word. I was speaking with my colleague, and you made reference to and tried to spin, as an independent Chair, something totally out of context of what was said. I want you to apologise to me for doing that. It is the usual way that you try to spin things in the media and everything else to suit your own agenda. I certainly was not calling anybody in this room, nor, indeed, people who have opposition to the Maze, nutters. So get your facts right before you try to spin and to make statements in the future. If you have any guts at all, you will apologise for not independently chairing the meeting at that point.

The Chairperson: I know what you said, Jimmy. You know —

Mr Spratt: Well, let us see Hansard; let us see Hansard.

The Chairperson: You know what you said.

Mr Spratt: No. You do not know what I said.

The Chairperson: I heard what you said.

Mr Spratt: You do not know what I said, and I am not going to let you spin it any more because you are absolutely pathetic in how you try to spin things on a regular basis. So I want no more comment about it —

The Chairperson: I am chairing the meeting.

Mr Spratt: I did not make the comment in the context that you were trying to make it.

The Chairperson: I am chairing the meeting, Jimmy.

Mr Spratt: You might well be but you are not going to —

The Chairperson: I am responding to you —

Mr Spratt: You are not going to speak me down by trying to spin something that was not meant in that way. End of story. We will see whether it is on the record in the Hansard report.

The Chairperson: For the record; I heard what you said.

Mr Spratt: It is your usual spin.

The Chairperson: You know what you said. You know the context.

Mr Spratt: You be very careful what you are saying.

The Chairperson: We will move on.

Mr Spratt: You be very, very careful what you are saying.

The Chairperson: We will move on.

Mr Spratt: You can move wherever you like but you be —

The Chairperson: We are now moving on, Jimmy.

3

Jimmy Spratt Comments Following OFMDFM Committee Meeting

27 June 2013

South Belfast MLA Jimmy Spratt has commented following OFMDFM Committee meeting and reports of comments made at it. .

Jimmy Spratt MLA

Chair of the Regional Development Committee, Chair of the Chairperson's Liaison Group

- [Visit Website](#)
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"My comments were in no way related to any of the genuine people who have expressed concerns about the Maze project. However, in common with other DUP representatives I have been subject to a great deal of personal abuse, often from people who prefer to hide behind online anonymity. As someone who served for many years in the Royal Ulster Constabulary and lost many close friends to terrorists I find such comments particularly personally hurtful.

I attempted to make it clear at the time that my remark was not directed at any groups or individual. However, I apologise sincerely for any hurt caused to those who believed my comments were directed at them."

4

(<http://www.newsletter.co.uk/>)

DUP's Spratt sorry for calling Maze opponents 'nutters'



by Sam McBride
sam.mcbride@newsletter.co.uk (<mailto:sam.mcbride@newsletter.co.uk>)

DUP MLA Jimmy Spratt last night apologised hours after the Assembly's official report showed that he had described some opponents of the Maze peace centre as "nutters".

On Wednesday, Mr Spratt reacted furiously to Mike Nesbitt's claim that he had heard him use the term at a Stormont committee and threatened the Ulster Unionist leader with legal action.

And, just four hours before a statement issued in his name last night by the DUP press office apologised for "any hurt caused" by his comment, Mr Spratt threatened the News Letter with legal action if we reported his comments.

That threat came as the House of Lords last night debated the DUP's decision to block libel reform in Northern Ireland, something which the Lords heard is leading to legal threats against the media under the current law when legitimate stories are pursued.

The leading lawyer Lord Lester said the current system was allowing the "vested interests of wealthy claimants" to keep legitimate stories out of the public domain.

Despite Mr Spratt's legal threat, the Assembly's official report, Hansard, cannot be legally challenged.

Last night Hansard reported that as another DUP MLA had said at the committee that no one in the area of the Maze opposed the scheme, Mr Spratt had interjected by saying "except the nutters".

The row could be damaging for the DUP because those lined up against the Maze include some of the party's core support – the Orange Order, victims and former members of the security forces.

In his apology last night, Mr Spratt insisted that his comments "were in no way related to any of the genuine people who have expressed concerns about the Maze project".

The official report records that Lagan Valley DUP MLA Brenda Hale said: "Sorry, chair, just with your indulgence; I sit here as a Member for Lagan Valley, and Maze/Long Kesh is right in the middle of my constituency. Can I just say that when I canvassed previously and when I canvass now, there is no local opposition to the Maze or the buildings within it."

Hansard then records Mr Spratt as having said: "Except the nutters."

<http://www.newsletter.co.uk/news/regional/dup-s-spratt-sorry-for-calling-maze-oppon...> 01/07/2013

DUP's Spratt sorry for calling Maze opponents 'nutters' - Regional - Belfast Newsletter Page 2 of 2

The News Letter contacted Mr Spratt yesterday evening after having listened to the official audio recording of the meeting, but ahead of the publication of Hansard last night.

When told that from the audio that it appeared quite clear that he did say "except the nutters", Mr Spratt said: "No, absolutely not, Sam. You print that if you want. I'll be seeing you in court as well." When then asked what he did say, Mr Spratt said: "I was having a conversation with a colleague so there was absolutely no hint of that whatsoever."

When asked who the colleague was, Mr Spratt said it was a "private conversation, I've already stated that".

He added: "I've made it very clear exactly what I said. I will be taking legal advice, Sam, and I will take legal advice against you if necessary. I've nothing further to say to you. Good day."

At that point, Mr Spratt hung up.

The "nutters" exchange has echoes of the recent row in England where a senior Tory allegedly described the party's grassroots opponents of gay marriage as "swivel-eyed loons", something he denied.

The clash came after Mr Nesbitt, who chairs the committee, broke off from an exchange with Peter Robinson to turn to Mr Spratt and tell him that it was "not very helpful" to describe Maze opponents as "nutters".

Mr Spratt said: "I didn't say that," and added: "I'd ask you to take that off the record."

Later, Mr Spratt claimed his comment was taken "totally out of context", adding: "I want you to apologise to me". Telling Mr Nesbitt it was "the usual way you try to spin things".

He added: "I certainly was not calling anyone in this room or people opposed to the Maze 'nutters'."

Mr Nesbitt said: "I know what you said, Jimmy; you know what you said."

Mr Spratt accused the UUP leader of being "absolutely pathetic" and warned him to be "very, very careful".

5

COMMISSIONER FOR STANDARDS

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**Mr Robin Swann MLA
Chief Whip
Ulster Unionist Party
Room 34
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX**

4 July 2013

Dear Mr Swann

YOUR COMPLAINT AGAINST MR JIMMY SPRATT MLA

Thank you for your letter of 1 July 2013 making a complaint that Mr Spratt breached various aspects of the Code of Conduct both at the OFMDFM Committee meeting on 26 June and subsequently.

In dealing with any complaint I am required to follow the provisions of the Assembly Members' (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (General Procedures) Direction 2012. Direction 3.1 provides that I may investigate a complaint only where the complaint is admissible. The admissibility criteria are set out in Direction 3.3. I have considered your complaint against these criteria and, as it stands, cannot be satisfied that it is admissible as it does not, as required by Direction 3.2(e), state which part or parts of the Code of Conduct you allege have been breached.

Accordingly, pursuant to Direction 3.4, I now call on you to specify the part or parts of the Code you allege have been breached by Mr Spratt.

Direction 3.8 provides that if that information is not provided to me within 21 days then the complaint is not admissible.

I regret having to write to you in these terms but trust that you will understand that I must in the interests of fairness to all, abide strictly by the directions made by the Committee on Standards and Privileges.

I look forward to hearing from you.

Yours sincerely

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

6

Bain, Douglas

From: Bain, Douglas
Sent: 10 July 2013 09:55
To: Swann, Robin
Subject: RE: Complaint Mr J.Spratt MLA

Dear Mr Swann

Thank you for your email of 9 July. I shall now determine the admissibility of your complaint

Douglas Bain

From: Swann, Robin [mailto:robin.swann@mla.niassembly.gov.uk]
Sent: 09 July 2013 16:10
To: SM_StandardsCommissioner
Subject: Complaint Mr J.Spratt MLA

Dear Mr Bain,

Thank you for your letter dated 4th July wherein you ask me to specify the part of parts of the Code of Conduct which I feel which Mr Spratt has breached.

Having already set out the actions of Mr Spratt which I feel breached the code in my previous correspondence, I believe that those actions should be looked at as constituting a failure to abide by the following specific principles of conduct as set out in 'The Code of Conduct for Members of the Northern Ireland Assembly';

Honesty - Members should act honestly.

Promoting Good Relations - Members will act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow by acting justly and promoting a culture of respect for the law.

Respect - It is acknowledged that the exchange of ideas, and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. Members should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Members and the Assembly itself. Members should therefore show respect and consideration for others at all times.

Good Working Relationships - Between Members - Members should work responsibly with other Members of the Assembly for the benefit of the whole community. Members must treat other Members and the staff of other Members with courtesy and respect. Members must abide by the Assembly Standing Orders and should promote an effective working environment within the Assembly.

Please do not hesitate to contact me if you require any further information.

regards,

Robin Swann MLA

Chief Whip of the Ulster Unionist Party
& Chair of the Employment & Learning Committee.

Doing what's right for Northern Ireland.

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7

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**Mr Robin Swann MLA
UUP Constituency Office
13 Queen Street
Ballykeel
BALLYMENA
BT42 2BB**

10 July 2013

Dear Mr Swann

YOUR COMPLAINT AGAINST JIMMY SPRATT MLA

Further to your email of 9 July 2013 I have determined that your complaint is admissible. I have commenced my investigation into it.

At a later stage of my investigation it would be helpful to meet with you to take your views on any additional information uncovered. I shall be in touch when I get to that point.

Meantime I enclose a note outlining the procedure for my investigation and for any interviews. It also draws attention to certain statutory provisions.

Yours sincerely

**Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards**

Enc



8

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Mr Jimmy Spratt MLA
DUP Constituency Office
15 Cregagh Road
Ballynafoy
BELFAST
BT6 8PX

10 July 2013

Dear Mr Spratt

COMPLAINT AGAINST YOU BY ROBIN SWANN MLA

I write to advise you that I have received a complaint by Mr Robin Swann MLA that by your actions at the OFMdFM Committee on 26 June 2013 you broke certain provisions of the Members' Code of Conduct. When taken together with the further information set out in Mr Swann's email of 9 July, I have decided that the complaint is admissible. I enclose a copy of both the complaint and the email.

I have now started my investigation into the complaint and afford you the opportunity to furnish me with any information which you believe would assist me in my investigation. You are under no obligation to provide anything at this time. At a later stage of my investigation I will meet with you to obtain your response to the allegations against you.

In the meantime I enclose a note outlining the procedure for my investigation and for any interviews. It also draws attention to certain statutory provisions.

Yours sincerely

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

Encs



9

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Mr Paul Gill
Clerk to the Standards & Privileges Committee
Room 254
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

10 July 2013

Dear Paul

COMPLAINT BY ROBIN SWANN MLA AGAINST JIMMY SPRATT MLA

I write to advise you that I have commenced an investigation into the above complaint which I have determined meets the admissibility criteria set out in Direction 3.2 of the General Procedures Direction.

I enclose a copy of the complaint and of Mr Swann's email of 9 July 2013.

Yours sincerely

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

Encs

10

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Northern Ireland
Assembly

INVESTIGATION INTO COMPLAINT – JIMMY SPRATT MLA

Meeting with Mr Mike Nesbitt MLA

5 August 2013
Room 216

Start: 11.00 hrs End: 11.35 hrs

Present: Douglas Bain, Commissioner for Standards
 Mike Nesbitt, MLA
 John Moore (UUP Policy Adviser)
 Sheila McCaughley (Note taker)

1. Mr Bain sought, and received, confirmation from Mr Nesbitt that he had read and understood the note outlining procedures and the statutory provisions sent under cover of his letter of 10 July 2013.
2. Mr Bain asked Mr Nesbitt if he could recall who had been sitting either side of Mr Spratt at the OFMdFM Committee meeting on 26 June 2013. Mr Nesbitt said Mr Cree had been sitting to Mr Spratt's left but that he had left the Committee meeting, before the exchanges under review, to attend an Assembly Commission meeting. Mrs Brenda Hale had been sitting to Mr Spratt's right.
3. Mr Bain outlined the three elements of Mr Swann's complaint that would be the subject of his questions. The first was the use by Mr Spratt of the term '*nutters*'. The second element was in respect to the accusation by Mr Spratt of Mr Nesbitt '*spinning*' and the third in relation to the comments by Mr Spratt made under the Point of Order.
4. On the first element Mr Bain asked Mr Nesbitt if he felt that the use by Mr Spratt's term of '*nutters*' was out of order and, if so, why he, as the Chair, had not dealt with it. Mr Nesbitt responded that he had dealt with it and referred to the passage at page 23 of the transcript where he said '*Jimmy, some of your interventions, such as calling the people who are against the peace-building centre at the Maze "nutters", have not been helpful.*' Mr Nesbitt further advised that when chairing the OFMdFM Committee he

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adopted a consensual style and that he would tend to allow inappropriate comments from Members, such as Mr Spratt, with a more confrontational style to go unchallenged. Mr Nesbitt said that the OFMdFM Committee was unique with the majority of Members being from the same parties as the Ministers. It was not surprising that their questioning of the witnesses was less probing than was usual at other committees. He also pointed out that it was unclear whether a comment could be 'out of order' at a committee hearing. Given the clear DUP and SF majority on that Committee he could not be sure that action he took as the Chair would be supported. In response to a question from Mr Bain he said that although the '*nutters*' comment was the first 'aside' by Mr Spratt at this meeting recorded in Hansard there had been other unrecorded comments by Mr Spratt earlier in the meeting. Mr Nesbitt understood that it was not the practice of Hansard to record 'asides' unless they were referenced later in the formal discussions of the meeting.

5. Mr Bain asked Mr Nesbitt in respect to the element of '*spinning*' whether he believed that Mr Spratt had breached the Code when he accused him of this or that '*spinning*' was an improper term. Before answering, Mr Nesbitt reminded Mr Bain that this issue had not been raised in the list of questions set out in Mr Bain's letter of 10 July. Mr Bain explained that the questions set out in his letter were the general themes which would inform his investigations and that he had to gather all the relevant information to complete his investigation. Mr Bain said that if Mr Nesbitt needed further time to consider his answer to the question he was content to adjourn the interview for that purpose. Mr Nesbitt declined this offer. Mr Nesbitt, in answer to Mr Bain's question, said that in principle he felt that it was not out of order to say that someone was '*spinning*' but that it depended on the context. Mr Nesbitt added that he felt that Mr Spratt had used the accusation of '*spinning*' to cover up the fact that he realised that his initial denial of using the term '*nutters*' was unsustainable. He, therefore, needed another narrative to contest Mr Nesbitt's assertion, which was subsequently backed by Hansard, that the word '*nutters*' was used in the context of objectors to the Peace Building and Conflict Resolution Centre ('the Pbcrc') being built at the Maze. Given that context, Mr Nesbitt considered that the accusation of '*spinning*' was in breach of the Code.
6. Mr Bain put it to Mr Nesbitt that Mr Spratt may put a different interpretation on events. Mr Nesbitt said he heard and watched him say it and that there was no equivocation that he was trying to cover up the fact that he did say it. Mr Nesbitt further added that Mr Spratt had said that he was in fact speaking to a colleague when in fact there was no colleague with whom to speak to as Mrs Hale was speaking to the witnesses at the time and the chair was empty on the other side of him.

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7. Mr Bain sought clarification from Mr Nesbitt on whether he thought that it was Mr Spratt's style to make 'asides' like this. Mr Nesbitt said that Mr Spratt had made the comment about those who had objected to the PbCRC even though in his subsequent news release he stated that the comments in no way related to any of the 'genuine people' who expressed concern over the project.
8. Mr Bain asked Mr Nesbitt if he thought that Mr Spratt was referring to some of those being canvassed by Ms Hale when he made this comment. Mr Nesbitt said that he thought not and that Mr Spratt was 'having a go' at everyone who objected to the PbCRC at the Maze. .
9. On the Point of Order issue Mr Nesbitt considered Mr Spratt to be in breach of the Code. He had changed his ground from denying using the word '*nutters*' to denying having used it in the context given by him Mr Nesbitt. He had repeated his accusation of '*spinning*'.
10. Mr Bain asked Mr Nesbitt if he believed that Mr Spratt was in breach of the principle of Honesty as alleged in the complaint. Mr Nesbitt replied in the affirmative. Mr Nesbitt asserted that Mr Spratt had been dishonest in first denying that he had used the word '*nutters*'. He had then changed his narrative to suggest that while he had used that word it was not in the context of those who objected to the building of the PbCRC at the Maze. Mr Nesbitt asserted that this second narrative was also dishonest as was proven by Mr Spratt's subsequent news release in which he had offered an apology to those 'genuine people' who object to the PbCRC at the Maze and who had been offended by his remarks.
11. Mr Bain asked Mr Nesbitt if he thought that Mr Spratt had breached the Code of Conduct by being disrespectful to him. Mr Nesbitt said that as Chair of that Committee and having a consensual approach he would tend to ignore to a certain degree any heated comments but that these comments were disrespectful to him and, more importantly, to those people who objected to the PbCRC on the Maze site and who might be listening to the hearing.
12. Mr Bain asked Mr Nesbitt if Mr Spratt had either formally or informally apologised to him to his remarks. Mr Nesbitt said that Mr Spratt had not spoken to him nor did the press release issued by Mr Spratt refer to Mr Nesbitt.
13. Mr Bain asked Mr Nesbitt why he himself did not make a complaint. Mr Nesbitt said that he had been out of the country when the UUP Assembly Group had agreed unanimously that there had been a clear breach of the Code of Conduct and that a complaint should be made.

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14. Mr Bain asked Mr Nesbitt if he had any further comments to make in respect of the complaint. Mr Nesbitt questioned whether the concept of 'Out of Order' was meaningful in relation to committee hearings. At this particular meeting the First Minister and deputy First Minister were in attendance to give a progress report on implementation of the Programme for Government which included redevelopment of the Maze site. Despite that Mr Nesbitt felt sure that there were some on the Committee who wished to use it as an opportunity to re-debate the wisdom of the decision on the location of the PbCRC. Mr Nesbitt concluded that in his opinion Mr Spratt was in clear breach of the principles of Honesty, Leadership, Respect and Good Working Relationships set out in the Members' Code.
15. Mr Bain informed Mr Nesbitt that he still had to speak to Mr Spratt, Mrs Hale and Mr Swann but asked Mr Nesbitt if there were any others that could add anything to this investigation. Mr Nesbitt referred Mr Sam McBride as a possibility. Mr Bain undertook to contact him.
16. Mr Bain asked Mr Nesbitt if there was anything else he wished to put on record. Mr Nesbitt referred Mr Bain to the weekly debates in the Chamber and pointed out that whilst some debates in the Chamber can be robust with interventions and 'asides' he did not believe that that style was appropriate in the Committee meetings.
17. Mr Bain informed Mr Nesbitt that a note of this meeting would be drawn up and issued for any comments by the end of the week. Mr Bain explained that the investigation was in its early stages and that its completion was dependent on the availability of other witnesses including Mr Spratt. Mr Bain understood that it was unlikely that he would be fit for interview for several weeks. It was unlikely that the Committee on Standards and Privileges would deal with the matter before October at earliest.
18. Mr Bain thanked Mr Nesbitt for seeing him. The meeting ended.

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11

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Northern Ireland
Assembly

INVESTIGATION INTO COMPLAINT – JIMMY SPRATT MLA

Meeting with Mrs Brenda Hale MLA

16 October 2013

Room 283

Start: 12.00 hrs End: 12:20 hrs

Present: Douglas Bain, Commissioner for Standards
Mrs Brenda Hale, MLA
Sheila McCaughley (Note taker)

1. Mr Bain asked Mrs Hale whether she had read the note on procedure and legislation enclosed with his letter of 10 July 2010. When Mrs Hale responded that she was unsure, Mr Bain outlined the procedure for the interview and for the investigation. He explained that it was a criminal offence to refuse to answer a question or to give a false or misleading answer. He further explained the prohibition on disclosure of information. Mrs Hale indicated that she understood this.
2. It was put to Mrs Hale that just before the intervention by Mr Spratt she had intervened and said 'sorry, Chair, just with your indulgence; I sit here as a Member for Lagan Valley, and Maze/Long Kesh is right in the middle of my constituency. Can I just say that when I canvassed previously and when I canvass now, there is no local opposition to the Maze or the buildings within it.' Mrs Hale was asked did she mean there was no local opposition to the existing buildings or to the proposed Peace Building and Reconciliation Centre. Mrs Hale indicated that she meant both. She added that at the time of canvassing, people in the area had concerns about local schools, small businesses and paying for their mortgages as the country was in the middle of a recession. No one had mentioned the Maze to her.

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3. Referring to the account in Hansard it was put to Mrs Hale that she was speaking at the time of the alleged use of words 'except the nutters' and was asked if she had heard the intervention and to identify who had intervened. Mrs Hale indicated that she had heard the intervention and Mr Jimmy Spratt was the person who had intervened. Mrs Hale was then asked who she thought 'the nutters' were that Mr Spratt was referring to. Mrs Hale said that she felt that the reference was to local politicians who were playing on the emotions of victims for political gain. Mrs Hale was then asked if she regarded the intervention as disrespectful to her or to anyone else. Mrs Hale said that she did not and, in her opinion, it was just the rough and tumble of the debate.
4. The intervention in Hansard was raised with Mrs Hale and she was asked what her views were on this. Mrs Hale said that Mr Spratt had leant over to speak to her when he had said 'the nutters'. When asked which side Mr Spratt was sitting, Mrs Hale said that he had been sitting to her left. When asked who had been sitting on her right Mrs Hale said that she was not sure but that it would usually have been John McAllister. It was suggested to Mrs Hale that Leslie Cree had been sitting to her right but that he had to leave to attend an Assembly Commission meeting. Mrs Hale said that she could not remember this.
5. It was put to Mrs Hale that she must have spoken to Mr Spratt after this meeting. Mrs Hale said that she had to leave straight away to attend a Parent/Teacher meeting so did not have the opportunity to speak to Mr Spratt and added that Recess had followed after that. Mrs Hale was pressed on whether she had, at any time, had a conversation with Mr Spratt about the complaint. Mrs Hale said that Mr Spratt and the party knew that she was to be interviewed and that Mr Spratt had told her that he was also to be interviewed.
6. Mrs Hale was reminded that she was under an obligation to co-operate fully with the Commissioner and asked to explain her failure to respond to his letter of 10 July 2013. Mrs Hale advised that she had been away at that time and apologised for not responding but that this was obviously an oversight on the part of her staff. Mrs Hale was also reminded that when a telephone call was made to set up an appointment, the date of 6 November had been proposed which was well outside an acceptable timeframe for a meeting to take place. Mrs Hale said that she was in London a lot over recent weeks and said that when the Commissioner's Office telephoned to arrange a more suitable date, this was arranged accordingly. The Commissioner stressed that this, in his view, was well below the standard that he would expect from Members and that he would be considering whether to draw the matter to the attention of the Committee. Mrs Hale apologised for her failure to respond promptly.

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7. Mrs Hale was asked if she had anything to add with respect to the complaint. Mrs Hale said she had nothing to add.
8. It was explained to Mrs Hale that a note of this meeting would be drawn up and issued later this week. She had up to 14 days to respond with any suggested revisions (via tracked changes) and if the revisions were accepted then the note would be updated. If the revisions are not accepted, the note will not be amended but a copy of her proposed revisions and the reason why they were not accepted would be included in the Commissioner's report to the Committee.
9. The meeting ended.

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12



**Northern Ireland
Assembly**

INVESTIGATION INTO COMPLAINT – JIMMY SPRATT MLA

Meeting with Mr Jimmy Spratt MLA

21 October 2013
Room 247

Start: 15.00 hrs End: 15.50 hrs

Present: Douglas Bain, Commissioner for Standards
Jimmy Spratt, MLA
Victoria Nelson (Note taker for Mr Spratt)
Pauline Wilson (Note taker for Mr Bain)

1. Mr Bain sought confirmation that Mr Spratt had understood the contents of the note on procedures and legal obligations sent with his first letter. Mr Spratt stated that he would like clarification particularly in relation to the assertion in Mr Swann's letter that use of the word 'nutters' was offensive. Mr Bain informed Mr Spratt that that would be a matter for him to investigate in due course.
2. Mr Spratt drew to Mr Bain's attention the fact that the Prime Minister of the United Kingdom had called the Deputy Prime Minister 'nuts' without any adverse comment being made. Mr Spratt told Mr Bain that he thought he (Mr Bain) was being used for political purposes in terms of all this nonsense. He

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then went on to ask Mr Bain about the paragraph in Mr Swann’s complaint about the Newsletter and wanted to know what it had to do with his investigation.

3. Mr Bain responded saying that the allegation was that while acting in his capacity as an MLA, Mr Spratt had, when speaking to Mr McBride, denied using the word ‘nutters’. Mr Spratt was adamant that it was lies. He also wanted to point out that he thought that Mr McBride was a puppet of the TUV and that anything Mr McBride said was not of much relevance.

4. Mr Spratt asked if Mr Bain had written to Mr Swann regarding his complaint. Mr Bain responded that he had written to Mr Swann on 1 July informing him that his complaint did not meet the admissibility criteria because it didn’t specify which provisions of the Code he alleged had been breached. The letter required Mr Swann to specify the missing information.

5. Mr Spratt said that he took great exception to Mr Swann’s response in that he was questioning Mr Spratt’s honesty and integrity.

6. Mr Bain set out his intention of asking Mr Spratt a series of questions and explained that Mr Spratt would have the opportunity to add anything at the end of the interview.

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7. Mr Spratt wanted to put it on record that at the time all this happened he was seriously ill, and was still seriously ill. He was not prepared to take any nonsense. Mr Bain stated that if he wanted a break in the interview at any stage, it could be adjourned and arranged for another day. Mr Spratt's response was that he didn't consider the interview to be of great importance.

8. Mr Bain informed Mr Spratt that there are five elements of the complaint:
 9. you referred to those opposed to building a PBRC as 'nutters';
 10. you accused Mr Nesbitt of spinning;
 11. the language you used at Point of Order;
 12. you said you were speaking to a colleague but you weren't; and
 13. your denial of using 'nutters' to Mr McBride.

14. Mr Bain said that it was alleged that four Code principles had been breached.

These were:

 15. honesty;
 16. promoting good relations;
 17. respect; and
 18. good working relations.

19. Mr Bain offered Mr Spratt a copy of Hansard and the McBride correspondence but he had his own copy.

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20. When asked if he accepted that the Hansard transcript was accurate, Mr Spratt explained that only some of it was accurate, what was down on paper was accurate but went on to say that there were things Mr Nesbitt said that are not recorded in Hansard. Mr Spratt said that Mr Nesbitt made comments under his breath, as everyone does from time to time. These comments did not appear in Hansard as they had not been referred to later in the meeting.
21. Mr Spratt mentioned that he had chaired meetings for 10/15 years in the Police Federation and indeed in Parliament Buildings and there are many a thing said in meetings that are not recorded. Mr Spratt said that the ‘except the nutters’ comment was made by him during a conversation with Brenda Hale.
22. There were some exchanges as to what was accurate and what not accurate in the Hansard – Mr Spratt stated that what was written down was accurate but that there was a lot of omissions. Mr Spratt agreed with Mr Bain that it is not the practice of Hansard to record ‘asides’ unless they are picked up somewhere else and commented on at a later stage.
23. Mr Spratt went on to say that he never denied using the word ‘nutters’ and in his interview with Mr McBride, he (Mr Spratt) was very clear that he used the word. Mr Spratt confirmed that apart from the omissions, of which there were many, the transcript was accurate.

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24. Mr Bain informed Mr Spratt of the allegation against him that during the Committee he denied using the word ‘nutter’ and that Mr Bain could not find such a denial in the transcript. Mr Spratt reiterated that he had never denied it and that was a blatant lie from Mr McBride and Mr Nesbitt to say that he had.
25. Mr Bain referred Mr Spratt to the passage in the transcript where Mr Nesbitt had said ‘I have one questions because I do not want to get bogged down on this’ to which Mr Spratt responded ‘not like you’. Mr Nesbitt had then said ‘Jimmy some of your interventions such as calling people who are against the Peace-Building Centre at the Maze ‘nutters’ have not been helpful’.
26. Mr Spratt made it very clear in terms of that comment that he had never denied saying ‘except the nutters’ but found it deeply offensive that Mr Nesbitt had suggested that he(Mr Spratt) was referring to all people who were opposed to the building of the PBRC at the Maze. Mr Spratt said the offence was greater because Mr Nesbit, under his breath, had mentioned RUC Widows and RUC GC. Mr Spratt told Mr Bain that he had helped victims for many years including those connected with these two organisations and it was nonsense and offensive to suggest that he had called them ‘nutters’. Mr Spratt thought that Mr Nesbitt was spinning before and after he left the room and on leaving the room he spoke to the press.

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27. Mr Bain said he wanted to ensure that he understood Mr Spratt. He asked Mr Spratt to confirm that what he was saying when said ‘I didn’t say that’ was that he did not say ‘the people who oppose the building of PBRC are nutters’. He did not, and never had, denied saying ‘except the nutters’.
28. Mr Spratt agreed and went to on say that Mr Nesbitt had deliberately taken the ‘except the nutters’ comment, made as an aside to Mrs Hale, out of context. Mr Spratt asserted that that if you are going to tell people a story you have to tell them the whole story. Mr Nesbitt, Mr Allister and others were telling people that the PBRC would be a shrine to terrorists but they were not explaining why that could never be so. Mr Spratt was clear that he would never sign up to anything like that, given his background. Mr Spratt referred back to an earlier part of Hansard where it was noted that Ministers consistently mentioned that the Centre would have an auditorium, interview rooms, library, research facilities and canteen/restaurant facilities. It would not have anywhere to display photographs. What was being fed out by Mr Nesbitt, Mr Allister and others was only part of the story.
29. Mr Bain referred Mr Spratt to Hansard where he said “I certainly was not calling anybody in this room nor indeed anyone that has opposition to the Maze ‘nutters’” Mr Spratt agreed that this was an implicit admission of having earlier said ‘except the nutters’. Mr Spratt explained again that he never denied using that phrase. Mr Bain reminded Mr Spratt that that was one of the allegations against him but observed that he found it hard to see the factual basis for the allegation in the transcript.

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30. Mr Bain asked Mr Spratt “Who were the ‘nutters’ that you were referring to if it wasn’t the people in the room or the people who are opposed to the building?” Mr Spratt replied “to anyone who wasn’t telling the full story, if they were promoting something and only telling half a story. Well maybe I could have chosen a better word, but in the heat of the debate I choose ‘nutters’. I accept it was not the best phrase to use”. Mr Spratt reminded Mr Bain that he had issued an apology which was very carefully worded. He had not on any occasion deny using the phrase ‘except the nutters’.

31. Mr Spratt did not think he had breached any of the four principles in relation to the first allegation against him.

32. Mr Bain moved on to the second point of the complaint - an accusation of spinning in breach of the Code of Conduct). Mr Spratt went on to say that there was a lot of spinning going on, and that it was being done by Mr Nesbitt, Mr Allister, Mr Morrison and the Ulster Unionist press office. Mr Spratt thought that this part of the complaint was a waste of time.

33. Mr Bain moved on the third point of the complaint - the language used when Mr Spratt was making his Point of Order. Mr Spratt thought there was nothing wrong with the language he used and stated he would not retract his allegation of spinning. He stated that what Mr Nesbitt had done was not consistent with the position of an independent Chair.

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34. Mr Spratt was actually talking to Ms Hale when he used the words ‘except the nutters’, and Mr Nesbitt had overheard his conversation and deliberately taken out of context.
35. Mr Bain informed Mr Spratt that it had been asserted that he (Mr Spratt) couldn’t have been speaking to Mrs Hale at that time as she was questioning Ministers. Mr Spratt said that during the meeting both the FM and dFM had spoken at length and that whilst they were doing so other conversations were going on around the table. Mr Bain observed that the transcript did not seem to bear out the representation that Mrs Hale was questing the Ministers when the ‘except the nutters’ comment was made. Mr Spratt agreed.
36. Mr Spratt wanted it put on record that Mr Nesbitt was somewhat annoyed before the meeting had started. He called the meeting 15 minutes early in closed session. He had tried to get Committee Members to agree the questions they would ask. Mr Spratt explained that this attempt had failed when he had pointed out that it was not sensible to agree questions when it was not known what the Ministers would say. Members from other parties had agreed with Mr Spratt. The closed session lasted only one minute 10 seconds and that Mr Nesbitt was not pleased. Mr Spratt wanted this on record as there were no minutes of that session.
37. Mr Bain moved on to the telephone conversation that took place between Mr Spratt and Mr McBride. Mr Spratt explained that he was having dinner at La

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Mon Hotel when he took the call on his mobile. The mobile signal was very poor and that made it difficult for Mr Spratt and Mr McBride to hear each other. Mr Spratt re-iterated that he did not regard Mr McBride as a serious independent reporter and that he had not wanted to waste time talking to him. Mr Spratt said that Mr McBride had said that he had heard the recording of the Committee hearing and that it seemed clear that Mr Spratt had said ‘except the nutters’. Mr Spratt was adamant that at no time during that call had he denied using the words in question. The Spratt said that he did not know whether Mr McBride had been recording the telephone call but if he was he had been acting illegally as he had not told Mr Spratt that it was being recorded. At the end of the conversation Mr Spratt said that he told Mr McBride that he could print whatever he liked but if he printed the wrong words Mr Spratt would be after him, legally if need be.

38. Mr Bain enquired if Mr Spratt had taken any legal action on what Mr McBride had printed in the Newsletter. Mr Spratt replied that he had consulted lawyers but not in relation to that and that actions of this kind were very expensive and time consuming.

39. Mr Bain asked why Mr Spratt had considered it necessary to issue an apology. Mr Spratt said that he thought it was necessary to issue apology on the basis of the spinning that was going on from Mr Nesbitt, Mr Allister, Mr Swann and others. Those who heard only their version of events might believe that he (Mr Spratt) had actually referred to all those opposed to the PBRC as ‘nutters’.

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He wanted to ensure that his comments were not misunderstood. They were not directed to any individual or group of those genuine people who were opposed to the PBRC and wanted to apologise for any hurt caused to those who believed, having heard the spinned version of events, that his comment was directed at them. He felt it was the honorable thing to do.

40. Mr Bain asked Mr Spratt if he was aware of the badges bearing the words ‘Proud to be a Nutter’ ‘Raze the Maze’ which according to media reports had been at least part funded by the UUP. Mr Spratt confirmed that he was. Mr Bain asked if Mr Spratt could explain to him how funding these badges could be reconciled with the allegation in the complaint that use of the word ‘nutters’ was in breach of the Code principle of Respect. Mr Spratt said he could not reconcile the two. Mr Spratt said that his understanding was that the UUP fully funded the badges on the basis that they thought they would get their money back by selling them. In fact, he understood that very few had been sold and that it had cost the UUP £700 or £800.

41. Mr Bain concluded the meeting and asked if there was anything Mr Spratt wished to add. Mr Spratt referred to his concerns about the spinning and that he thought he didn’t say anything at the meeting which was offensive. Also if he had of made comments that were offensive then surely he would have received telephone calls and emails from those people whom is it alleged he offended. He only received one email from a gentleman who continually writes to all MLAs. He also thought that was a very clear indicator of how it

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was being spun. Mr Spratt was embarrassed about the wasting Mr Bain's time on something so trivial as this complaint which he regarded as an abuse of Mr Bain's office. Mr Bain thanked him for his time.

42. The meeting ended.

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13

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Northern Ireland
Assembly

INVESTIGATION INTO COMPLAINT – JIMMY SPRATT MLA

Meeting with Mr Sam McBride, Newsletter

25 September 2013

Room 283

Start: 15.00 hrs End: 15.20 hrs

Present: Douglas Bain, Commissioner for Standards
Sam McBride, Newsletter
Sheila McCaughley (Note taker)

1. Mr Bain drew attention to his letter dated 13 September 2013 and sought confirmation that Mr McBride understood the procedures and statutory provisions set out in the note enclosed with that letter. Mr McBride said that he did.
2. Mr Bain referred Mr McBride to the comments made by Mr Spratt at the Committee meeting held on Wednesday 26 June 2013 and asked who had contacted who? Mr McBride said that he had made contact by telephone to Mr Spratt late in the afternoon between 4.30 pm and 6.00 pm. He said he had telephoned after hearing the audio recording of the committee meeting but before seeing Hansard.
3. Mr Bain asked Mr McBride the purpose of the telephone call. Mr McBride replied that he wanted to get Mr Spratt's side of the story. Mr Bain then asked if Mr McBride, when talking to Mr Spratt, had explained that he had listened to the actual audio recording. Mr McBride responded saying that he had couched it in terms of saying to Mr Spratt that it seemed to be pretty clear on the audio recording that he had used the word 'nutters'..
4. Mr Bain referred to the Newsletter's article printed on 28th June 2013 and asked Mr McBride if it was a substantially accurate account of the

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conversation that had taken place between Mr Spratt and Mr McBride by telephone on 27th June. Mr McBride replied that it was.

5. Mr Bain asked Mr McBride if it was his understanding at that time that Mr Spratt was denying saying 'nutters'. Mr McBride responded in the affirmative and that Mr Spratt had said 'absolutely not' and continued to try and cover it by stating that he was in fact speaking with a colleague at the time and that the whole thing had been taken out of context.
6. Mr Bain asked if McBride if Mr Spratt had threatened to sue the newspaper or him. Mr McBride replied that he believed that the threat had been against the newspaper. Mr Bain asked if that was unusual. Mr McBride responded saying that it was not totally unusual but that it didn't occur every day. Mr McBride went on to say that Mr Spratt's threat had been absurd because privilege protects an accurate report of Parliamentary proceedings.
7. Mr Bain referred to Mr McBride the fact that the alleged interjection was made just after Mrs Hale had told the Committee that when she was canvassing near the Maze no one had objected to the building. Mr Bain suggested that it might be argued that the 'nutter' comment, if made, related only to people near the Maze and could not reasonably be taken as a reference to organisations opposed to the building such as the Orange Order or the RUCGC Foundation. Mr McBride replied that he was of the understanding that some people from that area would belong to the Orange Order.
8. Mr Bain asked Mr McBride if Mr Spratt had been in touch with him since the printing of the story. Mr McBride said he hadn't and that there had been no solicitor's letter. He confirmed that Mr Spratt had subsequently issued an apology to those who believed the 'nutter' comment was directed at them; not to the News Letter.
9. Mr Bain asked Mr McBride if there was anything else that he wished to add to the meeting. Mr McBride said no. Mr Bain informed Mr McBride that a draft note would be drawn up and that he would be afforded the opportunity to suggest revisions to it. Mr Bain thanked Mr McBride for attending the meeting.
10. The meeting ended.

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14



**Northern Ireland
Assembly**

INVESTIGATION INTO COMPLAINT – JIMMY SPRATT MLA

Meeting with Mr Jimmy Spratt MLA

21 October 2013
Room 247

Start: 15.00 hrs End: 15.50 hrs

Present: Douglas Bain, Commissioner for Standards
Jimmy Spratt, MLA
Victoria Nelson (Note taker for Mr Spratt)
Pauline Wilson (Note taker for Mr Bain)

Mr Bain sought confirmation that Mr Spratt had understood the contents of the note on procedures and legal obligations sent with his first letter.

Mr Spratt stated that he would like clarification particularly in relation to the assertion in Mr Swann's letter that use of the word 'nutters' was offensive. Mr Bain informed Mr Spratt that that would be a matter for him to investigate in due course.

Mr Spratt drew to Mr Bain's attention the fact that the Prime Minister of the United Kingdom had called the Deputy Prime Minister 'nuts' without

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any adverse comment being made. Mr Spratt told Mr Bain that he thought he (Mr Bain) was being used for political purposes in terms of all this nonsense. He then went on to ask Mr Bain about the paragraph in Mr Swann's complaint about the Newsletter and wanted to know what it had to do with his investigation.

Mr Bain responded saying that the allegation was that while acting in his capacity as an MLA, Mr Spratt had, when speaking to Mr McBride, denied using the word 'nutters'. Mr Spratt was adamant that it was lies. He also wanted to point out that he thought that Mr McBride was a puppet of the TUV and that anything Mr McBride said was not of much relevance.

Mr Spratt asked if Mr Bain had written to Mr Swann regarding his complaint. Mr Bain responded that he had written to Mr Swann on 1 July informing him that his complaint did not meet the admissibility criteria because it didn't specify which provisions of the Code he alleged had been breached. The letter required Mr Swann to specify the missing information.

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Mr Spratt said that he took great exception to Mr Swann's response in that he was questioning Mr Spratt's honesty and integrity.

Mr Bain set out his intention of asking Mr Spratt a series of questions and explained that Mr Spratt would have the opportunity to add anything at the end of the interview.

Mr Spratt wanted to put it on record that at the time all this happened he was seriously ill, and was still ill. He was not prepared to take any nonsense. Mr Bain stated that if he wanted a break in the interview at any stage, it could be adjourned and arranged for another day. Mr Spratt's response was that he didn't consider the interview to be of great importance.

Mr Bain informed Mr Spratt that there are five elements of the complaint:

- you referred to those opposed to building a PBRC as 'nutters';
- you accused Mr Nesbitt of spinning;
- the language you used at Point of Order;
- you said you were speaking to a colleague but you weren't; and
- your denial of using 'nutters' to Mr McBride.

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Mr Bain said that it was alleged that four Code principles had been breached. These were:

- honesty;
- promoting good relations;
- respect; and
- good working relations.

Mr Bain offered Mr Spratt a copy of Hansard and the McBride correspondence but he had his own copy.

When asked if he accepted that the Hansard transcript was accurate, Mr Spratt explained that only some of it was accurate, what was down on paper was accurate but went on to say that there were things Mr Nesbitt said that are not recorded in Hansard. Mr Spratt said that Mr Nesbitt made comments under his breath, as everyone does from time to time. These comments did not appear in Hansard as they had not been referred to later in the meeting.

Mr Spratt mentioned that he had chaired meetings for 10/15 years in the Police Federation and indeed in Parliament Buildings and there are many a thing said in meetings that are not recorded. Mr Spratt said that the

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‘except the nutters’ comment was made by him during a conversation with Brenda Hale.

There were some exchanges as to what was accurate and what not accurate in the Hansard – Mr Spratt stated that what was written down was accurate but that there was a lot of omissions. Mr Spratt agreed with Mr Bain that it is not the practice of Hansard to record ‘asides’ unless they are picked up somewhere else and commented on at a later stage.

Mr Spratt went on to say that he never denied using the word ‘nutters’ and in his interview with the Belfast Telegraph in which he was interviewed on 26 June, the paper printed the story on 27 June and it is clear the paper printed Mr Spratt’s admission of using the word nutters, Mr McBride, he (Mr Spratt) was very clear that he used the word. Mr Spratt confirmed that apart from the omissions, of which there were many, the transcript was accurate. Copy of Belfast Telegraph forwarded to Mr Bain by Mr Swann.

Mr Bain informed Mr Spratt of the allegation against him that during the Committee he denied using the word ‘nutter’ and that Mr Bain could not find such a denial in the transcript. Mr Spratt reiterated that he had

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never denied it and that was a blatant lie from Mr McBride and Mr Swann to say that he had.

Mr Bain referred Mr Spratt to the passage in the transcript where Mr Nesbitt had said ‘I have one questions because I do not want to get bogged down on this’ to which Mr Spratt responded ‘not like you’. Mr Nesbitt had then said ‘Jimmy some of your interventions such as calling people who are against the Peace-Building Centre at the Maze ‘nutters’ have not been helpful’.

Mr Spratt made it very clear in terms of that comment that he had never denied saying ‘except the nutters’ but found it deeply offensive that Mr Nesbitt had suggested that he(Mr Spratt) was referring to all people who were opposed to the building of the PBRC at the Maze. Mr Spratt said the offence was greater because Mr Nesbit, under his breath, had mentioned RUC Widows and RUC GC. Mr Spratt told Mr Bain that he had helped victims for many years including those connected with these two organisations and it was nonsense and offensive to suggest that he had called them ‘nutters’. Mr Spratt thought that Mr Nesbitt was spinning before and after he left the room and on leaving the room he spoke to the press.

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Mr Bain said he wanted to ensure that he understood Mr Spratt. He asked Mr Spratt to confirm that what he was saying when said ‘I didn’t say that’ was that he did not say ‘the people who oppose the building of PBRC are nutters. He did not, and never had, denied saying ‘except the nutters’.

Mr Spratt agreed and went to on say that Mr Nesbitt had deliberately taken the ‘except the nutters’ comment, made as an aside to Mrs Hale, out of context. Mr Spratt asserted that that if you are going to tell people a story you have to tell them the whole story. Mr Nesbitt, Mr Allister and others were telling people that the PBRC would be a shrine to terrorists but they were not explaining why that could never be so. Mr Spratt was clear that he would never sign up to anything like that, given his background. Mr Spratt referred back to an earlier part of Hansard where it was noted that Ministers consistently mentioned that the Centre would have an auditorium, interview rooms, library, research facilities and canteen/restaurant facilities. It would not have anywhere to display photographs. What was being fed out by Mr Nesbitt, Mr Allister and others was only part of the story.

Mr Bain referred Mr Spratt to Hansard where he said “I certainly was not calling anybody in this room nor indeed anyone that has opposition to the

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Maze ‘nutters’” Mr Spratt agreed that this was an implicit admission of having earlier said ‘except the nutters’. Mr Spratt explained again that he never denied using that phrase. Mr Bain reminded Mr Spratt that that was one of the allegations against him but observed that he found it hard to see the factual basis for the allegation in the transcript.

Mr Bain asked Mr Spratt “Who were the ‘nutters’ that you were referring to if it wasn’t the people in the room or the people who are opposed to the building?” Mr Spratt replied “to anyone who wasn’t telling the full story, if they were promoting something and only telling half a story. Well maybe I could have chosen a better word, but in the heat of the debate I choose ‘nutters’. I accept it was not the best phrase to use”. Mr Spratt reminded Mr Bain that he had issued an apology which was very carefully worded. He had not on any occasion deny using the phrase ‘except the nutters’.

Mr Spratt did not think he had breached any of the four principles in relation to the first allegation against him.

Mr Bain moved on to the second point of the complaint - an accusation of spinning in breach of the Code of Conduct). Mr Spratt went on to say

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that there was a lot of spinning going on, and that it was being done by Mr Nesbitt, Mr Allister, Mr Morrison and the Ulster Unionist press office. Mr Spratt thought that this part of the complaint was a waste of time.

Mr Bain moved on the third point of the complaint - the language used when Mr Spratt was making his Point of Order. Mr Spratt thought there was nothing wrong with the language he used and stated he would not retract his allegation of spinning. He stated that what Mr Nesbitt had done was not consistent with the position of an independent Chair. Mr Spratt was actually talking to Ms Hale when he used the words 'except the nutters', and Mr Nesbitt had overheard his conversation and deliberately taken out of context.

Mr Bain informed Mr Spratt that it had been asserted that he (Mr Spratt) couldn't have been speaking to Mrs Hale at that time as she was questioning Ministers. Mr Spratt said that during the meeting both the FM and dFM had spoken at length and that whilst they were doing so other conversations were going on around the table. Mr Bain observed that the transcript did not seem to bear out the representation that

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Mrs Hale was questioning the Ministers when the ‘except the nutters’ comment was made. Mr Spratt agreed.

Mr Spratt wanted it put on record that Mr Nesbitt was somewhat annoyed before the meeting had started. He called the meeting 15 minutes early in closed session. He had tried to get Committee Members to agree the questions they would ask. Mr Spratt explained that this attempt had failed when he had pointed out that it was not sensible to agree questions when it was not known what the Ministers would say. Members from other parties had agreed with Mr Spratt. The closed session lasted only one minute 10 seconds and that Mr Nesbitt was not pleased. Mr Spratt wanted this on record as there were no minutes of that session.

Mr Bain moved on to the telephone conversation that took place between Mr Spratt and Mr McBride. Mr Spratt explained that he was having dinner at La Mon Hotel when he took the call on his mobile. The mobile signal was very poor and that made it difficult for Mr Spratt to hear all that Mr McBride was saying. Mr Spratt re-iterated that he did not regard Mr McBride as a serious independent reporter and that he had not wanted to waste time talking to him. Mr Spratt said that Mr McBride had said that he had heard the recording of the Committee hearing and that it

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seemed clear that Mr Spratt had said ‘except the nutters’. Mr Spratt was adamant that at no time during that call had he denied using the words in question. Mr Spratt said that he did not know whether Mr McBride had been recording the telephone call but if he was he had been acting illegally as he had not told Mr Spratt that it was being recorded. At the end of the conversation Mr Spratt said that he told Mr McBride that he could print whatever he liked but if he printed the wrong words Mr Spratt would be after him, legally if need be.

Mr Bain enquired if Mr Spratt had taken any legal action on what Mr McBride had printed in the Newsletter. Mr Spratt replied that he had consulted lawyers but not in relation to that and that actions of this kind were very expensive and time consuming and he Mr Spratt would rather spend money on his family than waste it on the like of comments made by the Newsletter:

Mr Bain asked why Mr Spratt had considered it necessary to issue an apology. Mr Spratt said that he thought it was necessary to issue apology on the basis of the spinning that was going on from Mr Nesbitt, Mr Allister, Mr Swann and others. Those who heard only their version of events might believe that he (Mr Spratt) had actually referred to all those

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opposed to the PBRC as ‘nutters’. He wanted to ensure that his comments were not misunderstood. They were not directed to any individual or group of those genuine people who were opposed to the PBRC and wanted to apologise for any hurt caused to those who believed, having heard the spinned version of events, that his comment was directed at them. He felt it was the honorable thing to do.

Mr Bain asked Mr Spratt if he was aware of the badges bearing the words ‘Proud to be a Nutter’ ‘Raze the Maze’ which according to media reports had been at least part funded by the UUP. Mr Spratt confirmed that he was. Mr Bain asked if Mr Spratt could explain to him how funding these badges could be reconciled with the allegation in the complaint that use of the word ‘nutters’ was in breach of the Code principle of Respect.

Mr Spratt said he could not reconcile the two. Mr Spratt said that his understanding was that the UUP fully funded the badges on the basis that they thought they would get their money back by selling them. In fact, he understood that very few had been sold and that it had cost the UUP £700 or £800.

Mr Bain concluded the meeting and asked if there was anything Mr Spratt wished to add. Mr Spratt referred to his concerns about the spinning and

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that he thought he didn't say anything at the meeting which was offensive. Also if he had of made comments that were offensive then surely he would have received telephone calls and emails from those people whom is it alleged he offended. He only received one email from a gentleman who continually writes to all MLAs. He also thought that was a very clear indicator of how it was being spun. Mr Spratt was embarrassed about the wasting Mr Bain's time on something so trivial as this complaint which he regarded as an abuse of Mr Bain's office. Mr Bain thanked him for his time.

The meeting ended.

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15

COMMISSIONER FOR STANDARDS

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BT4 3XX

Tel: 028 9052 1211

Email: standardscommissioner@niassembly.gov.uk

**Mr Robin Swann MLA
Chief Whip
Ulster Unionist Party
Room 34
Parliament Buildings
Ballymiscaw
Stormont
BELFAST BT4 3XX**

25 September 2013

Dear Mr Swann

YOUR COMPLAINT AGAINST JIMMY SPRATT MLA

I refer to my letter of 10 July 2013 and write to advise you that my investigation has not uncovered any new information on which I feel the need to have the benefit of your views.

However, if there are any further matters to which you believe I should have regard, I would be grateful if you would either forward them to me by 3 October 2013 or, if you prefer, contact _____ to arrange a mutually convenient time and place for us to meet.

Yours sincerely

**Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards**

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16

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Mr Mike Nesbitt MLA
Ulster Unionist Party
Room 217
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

21 October 2013

Dear Mr Nesbitt

COMPLAINT AGAINST JIMMY SPRATT MLA

I write to seek your further assistance in relation to my investigation into the complaint against Mr Spratt.

I have been given to understand that the Ulster Unionist Party, along with others, funded the purchase of 2,000 badges bearing a picture of an acorn and the words "Proud to be a nutter" and "Raze the maze". I would be grateful if you could state whether or not that is correct.

If it is correct, I would welcome your view on how the sentiment expressed on the badges is consistent with the view you expressed to me that Mr Spratt's use of the word "nutter" was disrespectful to you and others.

As these are both short points I am reluctant to take up your time with a further meeting. If it is agreeable to you, a written response by 1 November would be acceptable. However, if you would prefer a meeting please contact no later than 25 October to arrange a mutually convenient date.

Yours sincerely

DOUGLAS BAIN CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

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17

Douglas Bain CBE
Northern Ireland Assembly Commissioner for Standards
Room 283
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

21 October 2013

Dear *Mr Bain*,

Thank you for your letter of 21 October 2013.

I have no idea why you believe the point you raise is relevant to Mr Swann's complaint.

Yours sincerely

Mike Nesbitt MLA
Leader, Ulster Unionist Party
Doing What's Right for Northern Ireland

Room 216
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

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18

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DUP's rivals left to count the cost of unsold Maze badges



Lack of demand for 2,000 "nutter" badges ordered by political opponents of the Maze peace centre has left a financial hole for several of the DUP's rivals.

The consignment, seemingly ordered by the TUV and Ulster Unionists, was shipped to Northern Ireland after DUP MLA Jimmy Spratt's infamous description of Maze opponents as "nutters", a comment he withdrew after an audio recording refuted his initial denial of having uttered the term.

Last month the DUP – which had been the sole unionist party supporting the peace centre – withdrew its backing, effectively scuppering the centre's development.

But despite widespread unionist opposition to the Maze peace centre, there was limited appetite for badges emblazoned with a picture of a hazelnut and with the phrase "Proud to be a nutter, raze the Maze", pictured. One is up for sale for £1 on the internet auction website eBay.

Now the parties opposed to the centre have been left with most of the badges and a bill for about £500.

An email from UUP general secretary Colin McCusker to other political opponents of the Maze centre set out the difficulty. In the email, seen by the News Letter, Mr McCusker said: "As you know we produced 2,000 "Nutter" badges on the back of the comment by Jimmy Spratt.

"Unfortunately, there wasn't as much interest in these as we had anticipated, and to say they have been slow to sell is an understatement.

<http://www.newsletter.co.uk/news/regional/dup-s-rivals-left-to-count-the-cost-of-unso...> 21/10/2013

"Having spoken to [TUV press officer] Sammy Morrison this afternoon, he has very kindly suggested that the collection that was taken up in Lisburn Orange Hall [at a rally against the Maze proposals] be used to cover the outlay. The cost of the badges was over £500 and the collection was just over £300. If we are all in agreement, please let me know."

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19

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**Mrs Brenda Hale MLA
DUP Constituency Office
3 Church Street
Ballymaganlis
DROMORE
BT25 1AA**

10 July 2013

Dear Mrs Hale

COMPLAINT AGAINST JIMMY SPRATT MLA

I am investigating a complaint that at the OFMdfM Committee on 26 June 2013 the statements made by Mr Spratt were in breach of the provisions of the Members' Code of Conduct.

I seek your assistance with my investigation particularly in regard to the comment recorded at page 23 of the Official Report. I would be grateful if you would contact to arrange a mutually convenient time for us to meet.

The particular issues on which I seek information are as follows –

- Whether you heard that comment by Mr Spratt.
- If so, whether you regarded it as showing a lack of respect to you or to any other person.
- If you regarded it as disrespectful to other persons, their identity.
- Whether Mr Spratt has apologised to you for his comment.

I enclose a note outlining the procedures for my investigation and our meeting along with some relevant statutory provisions.

Yours sincerely

Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards

Enc

20

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**Mrs Brenda Hale MLA
Democratic Unionist Party
Room 350
Parliament Buildings
Ballymiscaw
Stormont
BELFAST BT4 3XX**

25 September 2013

Dear Mrs Hale

COMPLAINT AGAINST JIMMY SPRATT MLA

I wrote to you on 10 July 2013 (copy enclosed) asking you to contact Sheila McCaughley to arrange a mutually convenient time for us to meet. I have had no response to that letter.

I would be grateful if you would now contact _____ as a matter of urgency to arrange a time for us to meet. As I am sure you will be aware the Code of Conduct requires all Members to co-operate with me in the performance of my duties.

Yours sincerely

**Douglas Bain CBE TD Advocate
Northern Ireland Assembly Commissioner for Standards**

Enc

21

Bain, Douglas

From: Spratt, Jimmy <jimmy.spratt@mla.niassembly.gov.uk>
Sent: 18 November 2013 21:37
To: Bain, Douglas
Subject: Re: Spratt - findings in fact.rtf

Douglas

I have no challenge or issue with your findings in fact, you are free to carry on with your report I have no further comment to make.

Jimmy

Sent from my iPhone

On 18 Nov 2013, at 15:46, "Bain, Douglas" <Douglas.Bain@mla.niassembly.gov.uk> wrote:

Jimmy

Please find attached my findings in fact in relation to the complaint against you. You have the right to challenge any or all of them. If you wish to exercise that right you must do so in writing by no later than 2 December. Your challenge to any finding should set out your reasons and be supported by any available evidence.

If you do not wish to challenge any of my findings, it would be helpful if you could let me know so that I may finalise my report to the Committee.

Douglas

This email is strictly confidential. It may be privileged. It is intended for use only by the intended addressee.

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<Spratt - findings in fact.rtf>

Bain, Douglas

From: Bain, Douglas
Sent: 18 November 2013 15:47
To: Spratt, Jimmy; Spratt, Jimmy CO
Subject: Spratt - findings in fact.rtf
Attachments: Spratt - findings in fact.rtf

Importance: High

Follow Up Flag: Follow up
Due By: 03 December 2013 10:30
Flag Status: Flagged

Jimmy

Please find attached my findings in fact in relation to the complaint against you. You have the right to challenge any or all of them. If you wish to exercise that right you must do so in writing by no later than 2 December. Your challenge to any finding should set out your reasons and be supported by any available evidence.

If you do not wish to challenge any of my findings, it would be helpful if you could let me know so that I may finalise my report to the Committee.

Douglas

SPRATT - FINDINGS IN FACT

1. That, apart from the omission of a number of 'asides', the transcript of the Committee meeting on 26 June 2013 is accurate.
2. That Mr Spratt made to comment 'except the nutters' sotto voce as an 'aside' directed principally to Mrs Hale who was seated next to him and speaking at the time.
3. That the comment would not have been recorded in Hansard but for Mr Nesbitt's reference to it later in the meeting.
4. That on 28 June 2013 Mr Spratt issued a statement apologising for any offense caused by the manner in which his comment had been reported.
5. That following the Committee meeting the Ulster Unionist Party financed, either in whole or in part, the production of lapel badges bearing the words 'Proud to be a Nutter' and 'Raze the Maze.



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Appendix 2

Minutes of Proceedings of the Committee relating to the Report

Wednesday, 15 January 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 Declan McAleer
 Mr Fra McCann
 Mr Ian McCrea
 Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
 Ms Hilary Cleland-Bogle (Assistant Assembly Clerk)
 Mr Jonathan Watson (Clerical Supervisor)

Apologies: Mr Mervyn Storey

1.30pm The meeting commenced in closed session.

6. Reports from the Assembly Commissioner for Standards on complaints against Members

Agenda items 6.5, 6.6 and 6.7

Members noted the Clerk's Paper; the Report dated 19th December 2013 from the Assembly Commissioner for Standards and correspondence from the Member who was the subject of the complaint.

Mrs Overend declared an interest in light of the reference in the Commissioner's report to a unanimous decision of the Ulster Unionist Party. Mrs Overend assured the Committee that this reference did not impact upon her ability to consider the Commissioner's report with impartiality and objectivity.

The Commissioner briefed the Committee on his Report and then answered members' questions.

2.01pm The Chairperson thanked Mr Bain for attending the meeting.

Following discussion, the Chairperson put the question that the Committee accepts the Assembly Commissioner for Standards' conclusion that the Member had not breached the Code of Conduct.

Ayes	Noes	Abstentions
Mr Alastair Ross	Mrs Sandra Overend	None
Ms Anna Lo		
Mr Steven Agnew		
Mr Cathal Boylan		
Ms Paula Bradley		
Mr Declan McAleer		
Mr Fra McCann		
Mr Ian McCrea		

The motion was carried.

Agreed: The Committee agreed that the Clerk should prepare a draft report reflecting the Committee's views for consideration by the Committee at its next meeting.

[EXTRACT]

Monday, 20 January 2014

Room 21, Parliament Buildings

Present: Mr Alastair Ross (Chairperson)
Ms Anna Lo (Deputy Chairperson)
Mr Steven Agnew
Ms Paula Bradley
Mr Colum Eastwood
Mr Ian McCrea
Mrs Sandra Overend

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Cleland-Bogle (Assistant Assembly Clerk)
Mr Jonathan Watson (Clerical Supervisor)

Apologies: None

5.2 Draft Committee Report on a complaint against Mr Jimmy Spratt MLA by Mr Robin Swann MLA

Agreed: Members discussed and agreed the draft Committee Report, as amended, and ordered that the report be printed today.

[EXTRACT]



Northern Ireland
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Appendix 3

Other Evidence

Correspondence from Mr Spratt

Jimmy Spratt MLA

Constituency Office:
15 Cregagh Road
Belfast. BT6 8PX
Tel: 028 90455936
jimmyspratt@dup.org.uk

Mr Paul Gill
Clerk
Committee of Standards and Privileges
Room 254 Parliament Buildings
Stormont
Belfast BT4 3XX

8 January 2014

Dear Paul

Re: Complaint against Jimmy Spratt MLA by Robin Swann MLA, Chief Whip, Ulster Unionist Party

I refer to correspondence from you dated 19 December 2013 attaching a copy of the report from the Assembly Commissioner for Standards into the above complaint.

I wish to put the following points for the record into this report.

- At the time this complaint was made by Mr Swann, I was, from a personal point of view at a vulnerable point in my life requiring further major surgery for cancer. The last thing I needed was stress from such a misrepresented complaint and the continual spinning of such in the media by Mr Swann and Mr Nesbitt in particular.
- The one matter that annoyed me most about this complaint was Mr Swann's assertion that I had been dishonest, when in fact at no time did I deny the use of the words "except the nutters" as borne out by the Standards Commissioner. What I had always objected to was the way in which the words were being spun by Mr Nesbitt and Mr Swann for political and press coverage purposes.
- So, as I have already stated to the Standards Commissioner, I have taken great exception to my integrity and honesty being called into question.
- I would draw your attention to Point 36 of the Commissioner's Report. At no time did I, as suggested by Mr Swann, issue an apology for using the words, "except the nutters". But rather to anyone who believed my comments were directed at them. This was due to the totally one-sided and inaccurate reporting of comments being spun principally by the Ulster Unionist Party and others.
- In relation to Point 37, the Commissioner states, "it was, after investigation, found to be without substance and verging on the trivial".
- Point 38 is a point that I believe is of huge importance, and the Committee should fully consider the rules and regulations to tighten procedures of allegations of such a serious nature as honesty, and provide protection so no other member will fall foul of something such as I have. I consider that members making such inaccurate and false allegations after investigation should be subject to Assembly sanctions themselves.
- I think Point 39 is self-explanatory and should be fully considered by the committee and rules tightened to stop complaints being made for purely political purposes as it was in the case of this complaint.

- I consider that in this case the Office of the Commissioner of Standards was abused by those complaining for purely political purposes. I consider that a tightening of rules should prevent further abuses of this Office.
- I also consider this to be a major waste of public funds, and would like to know the total cost of this investigation including future publication of the report.

I am happy to appear in front of the Committee if necessary and request my points are taken on board to prevent repetition. I welcome the report and I was unable to answer some of the false allegations made because the matter was under investigation and I look forward to its earliest publication.

Yours sincerely

Jimmy Spratt MLA



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