



Northern Ireland
Assembly

Emailed to: committee.standards&privileges@niassembly.gov.uk

Ref: TG/TG/Assembly/12770-2

Committee on Standards and Privileges
Committee Clerk
Shane McAteer
Room 276
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Mr McAteer,

Re: Report by the Commissioner for Standards following a complaint by Ms Paula Bradshaw

I am in receipt of the above report and I wish to respond to the findings of the same prior to the Committee's deliberations. I would also request that this response is published in full as an appendix to the report.

The report and its findings are misleading, factually wrong in several respects, unjust and indefensible.

Context of the report

The misleading nature of the report begins in its opening paragraph. The Commissioner's characterisation of Ms Bradshaw's complaint of 11thFebruary as a complaint containing just three allegations against me is wrong. As you will see from my response of 28th March the complaint contained a multitude of factual errors, contained unjustified attacks upon my character and, significantly, contained my response to Ms Bradshaw's criticisms of my conduct **at a meeting of the committee on 2nd October 2024 which the Commissioner makes no mention of in her findings concentrating almost entirely on the events in the meeting of the 23rd October**. This is a critical point for anyone reading the report to understand as most of my comments around shielding – a term Ms Bradshaw objects to – related not the meeting of the 23rd but of the 2nd.

It is important to understand the nature of the scatter-gun complaint which resulted in this report. I believe that the complainant in the case – who knows that the Commissioner has a policy of not investigating the conduct of committee chairs (see letters attached) – submitted a complaint in the hope that if she threw enough at me some of it might stick.

Timothy Gaston MLA, 38 Henry Street, Harryville, Ballymena, Co Antrim BT42 3AH

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The distortion of my response to the Commissioner

I move then to paragraph 14 of the report.

For the Commissioner to say merely that I “did respond but did not challenge any of my findings of fact” is a distortion as anyone reading my response (document 7) can clearly see.

It is disingenuous for the Commissioner to only refer to the first line of a five line sentence much less the serious issues I highlighted in my letter of 21st May. As the Commissioner chose to ignore everything which I said in my letter it is worthwhile reproducing the letter in its entirety here. Far from holding my hands up and saying I had no issue with the Commissioner’s findings, I raised fundamental issues with the direction in which the process was going and highlighted the fact that should the Commissioner rule the questions to be out of order she would set a precedent which would set Stormont apart from all other legislative bodies in the UK. My letter read:

Dear Commissioner,

Further to your letter of 19th May (Case reference number 202400045), while I do not dispute any of the findings of fact, I would respectfully observe that if MLAs are to be strictly limited to asking questions solely within the departmental remit of Ministers, this would preclude any scrutiny of Ministers on matters that may call their fitness for office into question. In doing so, Stormont would become a unique chamber within the United Kingdom.

For example, former Prime Minister Boris Johnson was repeatedly questioned about matters that extended beyond the narrow bounds of governmental policy. He was questioned over his attendance at lockdown gatherings in Downing Street—not in his capacity as Prime Minister executing government policy, but in relation to his personal conduct and the honesty of his statements to Parliament. The Privileges Committee investigated whether he had misled Parliament—an issue of ethical integrity, not a policy decision. Similarly, the Liaison Committee questioned him about his judgement, leadership style, and trustworthiness.

In 2024, Michael Matheson was forced to resign as Health Secretary in the Scottish Government after incurring an £11,000 roaming charge on a parliamentary iPad during a family holiday in Morocco, when his son used the device to stream football. This was a matter about which Mr Matheson was directly questioned by MSPs in the Scottish Parliament.

Likewise, in 2024, Vaughan Gething resigned as First Minister of Wales following controversy over a £200,000 donation he accepted from a company whose owner had previous environmental convictions. Mr Gething was questioned on this issue both in the Senedd chamber and in committee.

Accordingly, I believe that my questions were reasonable, asked in an orderly manner and clearly in the public interest. In fact, a review of the press reporting from the time will show that there was widespread agreement among commentators that my questions were legitimate and deserved to be answered.

Yours sincerely,

Timothy Gaston MLA

Moving on to the findings, the Commissioner has found that I breached rules 15, 13 and 10. I reject this and will address each alleged breach in turn.

Rule 15: Gratuitous personal insult

The Commissioner justifies her finding on the basis of David Cameron's comments in 2011 when he told Angela Eagle MP to "calm down dear". Tellingly, this is the only example the Commissioner cites of what she calls a pattern which is neither new nor isolated.

I deplore misogyny and in making such a serious charge there is an onus on the Commissioner to cite examples which are relevant.

While I except that my comment to Ms Bradshaw was unwise and I apologised for it at the time (something she acknowledged on live TV the evening that the event took place) I do not accept the Commissioner's characterisation of the comments as misogynistic. Unlike the example which she cites my comments to Ms Bradshaw were not gendered. Therefore, to make the leap which the commissioner does is entirely unwarranted.

I regret the comments, accept they were unwise and am happy to repeat the apology I made at the time in writing if necessary but I do not accept for a moment that gender had anything to do with it.

Something totally ignored by the Commissioner is the context in which the remark was made. This seriously detracts from the report.

Anyone who views the recording of the meeting (available online here <https://www.youtube.com/watch?v=ifPf-1aOSfA>) will see that at the start of the meeting I read two emails in public session into the record. In these I objected to Ms Bradshaw chairing the meeting on the basis that she had held a private meeting with the First Minister. I also expressed my disappointment at the committee clerk attending the said meeting. I have included copies of the said emails in this response.

Tellingly, the committee clerk, Mr Potter, did not act as clerk during the session with the First Minister. I believe that this was because he recognised that there was merit in the points made. Ms Bradshaw, however, was determined to press ahead with chairing the meeting.

Ms Bradshaw defended her meeting with the First Minister as "very standard practice" and said she took "great exception" to me suggesting that there was anything irregular about the meeting.

However, in a subsequent meeting of the committee - on 6th November - it was unanimously agreed that the chair would not meet with political witnesses before they gave evidence without the prior agreement of the committee. I have since raised this matter with the Committee for Procedures (see attached letter).

I believe that the fact that Ms Bradshaw herself supported my proposal was an admission that her actions in meeting the First Minister impacted on the ability of the committee for the Executive Office to perform some of its functions in a credible fashion and damaged public confidence in the system.

While the Commissioner takes the view that she cannot not investigate this incident - I have included a copy of a letter on this matter and the Commissioner's response – this context is critical to understanding what transpired.

Understandably, given that I had raised these legitimate issues at the start of the meeting there was tension in the room and particularly between myself and the chair.

The exchange between myself and the chair in full and in context reads:

Timothy Gaston: But how can you limit to what members ask?

Paula Bradshaw: I haven't said I was going to limit. Did I say I was going to limit?

Pause.

Paula Bradshaw: Did I say I was going to limit?

Pause.

Paula Bradshaw: No, I didn't.

A committee member: Chair, the legal advice –

Timothy Gaston: Take a step back. You're OK. Your OK. Breath.

It is quite remarkable that the Commissioner never even took the time - in a 42 page report to - transcribe this.

On reading the transcript above and watching the video of the incident in question it is clear that the Commissioner seeks to put a spin on what took place by claiming in paragraph 16 that I “interrupted” the chair. I did not interrupt. There was clearly an expectation by the chair that I was going to respond to what she said. How else does one explain the pauses which are clear in the video recording?

It is further clear from watching the video that there is considerable tension in the room at this point. The chair clearly does feel under pressure – as anyone would when put in a position where their suitability to chair the meeting has been called into question – and displays that in how she addresses the meeting.

Rule 13: Improper interference with the performance of the Assembly's functions

I reject this finding entirely and refer members to my letter of the 21st May (document 7 and reproduced above) as evidence of the same.

Given the serious ramifications of this finding if it were to be upheld, I feel that I should add to the points made above.

I would invite Members to consider the Hansard of the meeting of 23rd October. If you do so, you will see that:

1. The chairperson's opening question falls into the same category as those asked by me which the Commissioner has found broke rule 13;
2. All but one of Mr Kingston's questions fall into the same category as those asked by me which the Commissioner has found broke rule 13 and
3. Mr Harvey's single question falls into the same category as those asked by me which the Commissioner has found broke rule 13.

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Why did the Commissioner choose to ignore the other questions and focus only on mine? I accept that I was the only MLA complained about – if one takes the Commissioner’s approach and dismisses complaints about chairs – but surely this too is important context?

Had a complaint been made about Ms Bradshaw as an ordinary member of the committee and / or Mr Kingston and Mr Harvey they too would have been found to have broken rule 13.

There is nothing in the Commissioner’s report which acknowledges the fact that the only reason the First Minister was before the Committee was because of the fallout from the McMonagle affair. I reject the Commissioner’s finding that my own questions – and by extension those of the chair and my colleagues on the committee – were disorderly and inappropriate as suggested in paragraph 24.

Furthermore, I would remind the Committee of the section of the meeting on 23rd October which I transcribed above and in which the chair stated, “I haven’t said I was going to limit.”

Additionally, during the evidence session itself the deputy chair raised a point which is most pertinent to this case in relation to Mr Kingston’s questions. The relevant extract of Hansard reads:

Ms Egan: May I raise a point, please, Chair?

The Chairperson (Ms Bradshaw): Go ahead, please, Deputy Chair.

Ms Egan: In fairness to you, First Minister, I understand that we did not share the legal advice with you. I have it in front of me. I am happy for either Clerk to correct me if I am wrong, but the legal advice said that witnesses could not be compelled to answer if they felt that a question was not within the vires of the Committee, not that the Chair had to rule it out. Is that correct?

The Clerk Assistant: That is correct.

Ms Egan: So, the onus would be on the witness not to answer.

If one is to accept the findings of the Commissioner in relation to this point then one must also accept that the deputy chair of the committee, the clerk and the legal advice were mistaken as to how the committee session was supposed to operate.

In relation to paragraph 25, when I have called out the chair for shielding the witness from scrutiny that has often been a reference to **her conduct in the meeting on 2nd October 2024**. When I used the term shielding in the Assembly in reference to the Committee on 7th and 8th of October and again on the 3rd February I was clear that I referring to the shielding of the Junior Minister.

The relevant section from the Hansard of the 2nd October 2024 reads:

Mr Gaston: We have already talked about the article in today's 'The Irish News' — or touched upon it, I should say — that highlights the fact that, in February 2023, First Minister, you were at an event in Stormont where Michael McGonagle was present.

Ms Reilly: McMonagle.

Mr Gaston: McMonagle was present. It also points out that, later the same month, Michael McMonagle met Paul Maskey MP in Westminster, so we know that what Mr Murphy said last night was not true. First Minister, you have said that you did not see him at the event. Going

by the photographs published today, I have to ask whether junior Minister Reilly can say the same. Can you detail what your interaction was with Michael McMonagle on that day?

Mrs O'Neill: I will take the question. I think that I have already dealt with that matter, Chair, to be fair.

The Chairperson (Ms Bradshaw): I think that you have, too, yes.

Mrs O'Neill: I was horrified that anybody would give a reference in that scenario. Had they asked for my permission, it would not have happened. Earlier, I set out the rest of it clearly. If there are any questions that relate to the Executive Office, I am very happy to take them.

I am unapologetic about using the term shielding to describe the chair's actions here. In fact, to this day Junior Minister Reilly has not answered this question.

The fact that the Commissioner fails to acknowledge that this was the context of many of the times Ms Bradshaw was made to feel uncomfortable about the allegation of shielding calls into question this finding.

Secondly, in reference to the other uses of the term I would remind members that the chair gave an assurance at the start of the committee meeting that she would not intervene when committee members asked questions and she would leave it to the First Minister to judge if she should answer. As noted above, three members of the committee (including the chair) asked questions outside the departmental remit of the Minister. Only one member – myself – was repeatedly interrupted for doing so.

Thirdly, the circumstances of the private meeting between the chair, the committee clerk and the First Minister in advance of the meeting must be considered.

The fact that the Commissioner failed to recognise these obvious point is telling.

In paragraph 26 the Commissioner says:

"It appears to me that Mr Gaston has chosen, for whatever reason, not to recognise that the Chair was upholding established norms and protocols of scrutiny—norms that are widely respected across democratic societies and parliamentary committees worldwide, and which are recognised within the framework of the Belfast Agreement. These procedures are fundamental to the effective operation of the Committee and fall squarely within the Chair's remit."

The Commissioner's professed ignorance of my position ("for whatever reason") flies in the face of the evidence cited in my letter of 21st May (document 7).

Furthermore, I note that at no point in the report does the Commissioner even acknowledge what I still regard as the highly unusual context of the meeting – the fact that the chair and the clerk of the committee held a private meeting with the First Minister to discuss her appearance as a witness. Unless the Commissioner has been able to obtain what I at the time of writing have been unable to obtain – the contemporaneous notes of the meeting which I submitted a Freedom of Information Request to the Executive Office for seven months ago – her determination to say that it was

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“inaccurate and misleading” to claim that the Chair was obstructing legitimate scrutiny and “without foundation” (paragraph 25) is not something I am prepared to concede.

As to the chair’s failure to challenge the charge of racism levelled at the Housing Executive (paragraph 27) this is a statement of fact which is clear from viewing the recording of the relevant meeting. I have had contact from employees of the Housing Executive who thanked me for challenging this baseless allegation. “Lived experience”, however, seems to trump hard evidence and justice when it comes to this report and its findings.

If the News Letter article referenced in paragraph 28 did not have any bearing on the Commissioner’s findings why does she mention it? For the record, I did not speak to Mr Thompson about the contents of the article prior to its publication. The fact that the “statements and assertions within the piece that closely mirror Mr Gaston’s accusations regarding the Chair” is nothing surprising given the widespread reaction of the media to the conduct of the chair as articulated by journalists and commentators far beyond Mr Thompson including Sam McBride, Suzanne Breen and Mick Fealty – particularly in the aftermath of the evidence session with the First Minister which was the basis for much of Ms Bradshaw’s complaint.

Rule 10: Adherence to the Northern Ireland Assembly Behaviour Code

In relation to this point I again refer members to my letter of 21st May (document 7) and the comments about the questions from the chair, Mr Kingstone and Mr Harvey detailed above in response to the alleged breach of rule 13.

Principles

I understand from my office’s own dealings with the Commissioner that the principles are not enforceable. However, as she has seen fit to comment on what she has described as my conduct falling below the standards of behaviour expected by the Code I feel I must respond.

It is my contention that the private meeting between the chair and the First Minister is what trashed public trust and confidence in the Assembly.

Observation

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In conversation with myself, the Commissioner agreed that one of the reasons for the committee functioning more effectively has been the change of committee clerk and the approach of the chair. To suggest that the change is because I have merely gained “valuable experience” since the issues Ms Bradshaw raised with her is inaccurate and patronising.

Conclusion

In conclusion, as stated above I am content to acknowledge my comments to Ms Bradshaw were unwise and I am happy to apologise in writing and / or in person but I reject the groundless insinuation that they were misogynistic.

As for the other findings by the Commissioner I reject them totally. Should they be upheld they will trash the committee system, set Stormont apart from other legislatures in the UK and frankly open the whole system to ridicule.

I am very happy to appear before the committee to answer any questions they have and to make my case in person – something denied me by the Commissioner.

I would, however, observe that if Stormont believes that its reputation is enhanced by going after an MLA for calling out the dysfunctional nature of the events during and surrounding the meeting of 23rd October rather than those who engaged in private meetings then so be it.

I have not received justice from the Commissioner. I have little to no confidence that I will receive justice from a committee comprised entirely of members from rival parties.

Should the committee agree with the report and publish the same I look forward to being vindicated by the only body which really matters – public opinion.

Yours sincerely,



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Ref: TG/SM/Assembly/12566

12 December 2024

Dr Melissa McCullough
Standards Commissioner
Room 222,
Parliament Buildings,
Stormont,
Belfast
BT4 3XX

Dear Dr McCullough,

Re complaint about Paula Bradshaw in her capacity as chair of the Executive Office Committee

I write to formally request that you investigate the conduct of the chair of the Executive Office Committee in light of the following rules laid out in the MLA Code of Conduct:

4.1 You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

4.5 You shall declare, whether in Assembly proceedings or in any approach to a Minister, public representative, public body or public official, any relevant interest which might reasonably be thought by others to influence your approach to the matter under consideration. A relevant interest means an interest to which Chapter 2 of the Guide to the Rules applies, and may include a registrable interest.

4.12 You shall disclose confidential or protectively marked information only when you are authorised to do so.

4.13 You shall not act in any way which improperly interferes, or is intended or is likely to improperly interfere, with the performance by the Assembly of its functions, or the performance by a Member, officer or staff of the Assembly of their duties.

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I contend that:

- (a) In meeting the First Minister in advance of the evidence session held on 23rd October 2024 Ms Bradshaw failed to show due regard for the public interest in holding the First Minister to account, something reflected in her chairing of the meeting later that day. This raises issues in relation to 4.1;
- (b) Ms Bradshaw not only failed to declare that the First Minister had been in contact with her personally but categorically denied this had taken place when asked about the matter by me in a committee meeting on 6th November when she said in response to questions from myself, "I never engage with the First Minister". This is clearly untrue in light of text messages obtained by the News Letter via a Freedom of Information request. This was a clear breach of 4.5 as it was never declared;
- (c) In the evidence session with the First Minister the First Minister appeared to have knowledge of the Committee's privileged legal advice, referring the same several times during her time before the Committee. The legal advice is also referenced in the Executive Office minutes of the meeting between the chair and First Minister. This was privileged to the committee. I believe that there are serious issues relating to rule 4.12;
- (d) The very fact that Ms Bradshaw chaired the committee meeting on 23rd October after engaging in a private meeting with the witness about which other committee members were advised of - never consulted about - a mere 10 minutes before it started made her unfit to chair the committee meeting. This a fact that I raised with her both in correspondence before the meeting began and in the meeting itself. However, she chose to proceed as chair regardless. I note that the regular clerk of the committee did not act as clerk to the meeting on 23rd October. I suspect this was because he recognised his ability to do so was compromised because he attended the private meeting with the witness. Why didn't the chair also stand aside? Interestingly, since the meeting took place I put a proposal to the committee that the chair would not meet with a political witness prior to an evidence session. This was accepted unanimously by the committee - including by the chair. This amounts to an admission that her actions prior to the meeting on 23rd October were wrong. I would like you to investigate this in light of rule 4.13;
- (e) On the Nolan Show the chair claimed the committee supplied "only two" questions to the First Minister in advance of the evidence session. This was untrue. Seven were sent to TEO in advance of the meeting. I believe this comment was in breach of the principles of public life which MLAs are required to uphold and while I note that you say on your website that you do not investigate whether an MLA has acted in a way which is in conflict with those principles I believe it is something you should take into account. That being said, I believe that these comments should be investigated in light of rule 4.1 as I believe Ms Bradshaw sought to downplay the number of questions because she knew the decision to send questions in advance looked foolish. She was seeking to salvage some of her own credibility and that of the committee she chairs by saying it was "only two".

I look forward to hearing from you.

Yours sincerely,



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Mr Timothy Gaston
Timothy.Gaston@mla.niassembly.gov.uk

17 December 2024

Case ID: 202400041

Dear Mr Gaston

Your complaint against Ms Paula Bradshaw MLA

Thank you for your recent correspondence which I will consider as soon as practicable.

In the meantime, I enclose a note outlining the procedure for processing complaints and drawing attention to some important provisions of the legislation.

Yours sincerely



Dr Melissa McCullough
Northern Ireland Assembly Commissioner for Standards

PRIVATE AND CONFIDENTIAL



Emailed to: committee.procedures@niassembly.gov.uk

Ref: TG/SM/Assembly/12496

7 November 2024

Christine Darrah and Stella McArdle
Room 276,
Parliament Buildings,
Ballymiscaw,
Stormont,
Belfast
BT4 3XX

Dear Madam

Re: Meetings between committee chair and witnesses

I write to draw the attention of the committee to events which have impacted on the ability of the committee for the Executive Office to perform some of its functions in a credible fashion.

You will doubtless be aware of the fall out from a meeting between the Chair of the Executive Office Committee and the First Minister on 23rd October 2024 to discuss the First Minister's appearance before the committee later that day.

The committee has since established that:

- (i) The clerk of the committee received the request for a meeting at 23:06 on the 22nd October and forwarded it to the chair shortly thereafter;
- (ii) The DALO was emailed at 08:06 on 23rd agreeing to the meeting;
- (iii) Committee members were only advised of the meeting – not consulted if it should take place – at 09:50 in an email saying it would happen at 10:00, meaning there was a delay of almost 11 hours between the request for the meeting and committee members being advised that it was taking place and
- (iv) No minutes were taken by anyone from the Committee.

At our meeting yesterday (6th November) the Executive Office Committee agreed to a proposal from myself that going forward the chair would not meet with a political witness again before gaining prior approval from the full committee.

I would like the Procedures Committee to consider the case for the following:

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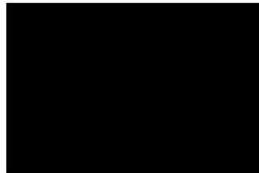
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- a. A requirement for the clerk of committees to forward any requests for meetings between any one due to appear before a committee and the committee chair to all members of the committee and not just the chair as soon as he or she receives it;
- b. Prior to agreeing to any such meeting the committee Chairperson should be required to seek the prior approval of his or her committee, ideally in a properly constituted meeting of the committee and not via a round robin email or the like. This would not only help protect the integrity of the chair but discourage witnesses from seeking to bounce chairpersons into meetings at the last minute;
- c. The agenda for any proposed meeting should be sent to all members of the committee and
- d. An official committee minute of the meeting should be taken and promptly furnished to the committee.

I believe that in order to avoid any confusion these matters should be codified in Assembly Standing Orders.

I am happy to develop the case for these necessary changes to standing orders either in person or / and in written evidence to the committee.

Yours sincerely,



Timothy Gaston MLA



Emailed to: standardscommissioner@niassembly.gov.uk

Ref: TG/RS/Assembly/12566-1

Standards Commissioner

28 March 2025

Dear Commissioner,

I wish to make the following points in response to Ms Bradshaw's complaint dated 11th February 2025.

In relation to paragraph one:

1. I am confused about the claims about my conduct at a meeting of the committee on 23rd September 2024. I say that because upon checking the Assembly website I can find no record of a meeting on that date. When I checked a calendar, I discovered that the 23rd September was a Monday. One presumes that Ms Bradshaw is referring to the meeting held on 23rd October. However, I would note that such a basic error in her letter is indicative of a complaint which is both confused and confusing. Assuming that the reference is to the 23rd October meeting I refute the suggestion that I subjected the First Minister to unreasonable and excessive personal attack. I believe that Ms Bradshaw should be asked to explain what about my questioning of the witness amounted to an unreasonable and excessive personal attack as she seems confused as to what would constitute the same and clarity on such matters is, I believe, important particularly when one has the duty of chairing a committee.
2. I am confused as to how Ms Bradshaw believes I could possibly have subjected the "Deputy Speaker" [sic] to unreasonable and excessive personal attack at the 23rd September (or indeed the 23rd October) meeting as there is no such position in committee. Again, I think it is important that she is asked to clarify this point. Should this be a reference to something I said to Ms Ní Chuilín then I reject the allegation and believe Ms Bradshaw should be required to spell out what she is referring to. I am conscious that this complaint is likely to end up in the public domain at some point and I believe that Ms Bradshaw is throwing out these groundless allegations in order to imply that there is a pattern of misogynistic behaviour on my part – something I robustly refute.

In relation to paragraph two:

1. I reject the suggestion that I have failed to respect the remit of the committee. The chair has already involved herself in a complaint against me on this ground which has been rejected by you. She should not be permitted to throw out a comment about an alleged "consistent" failure on my part without providing evidence from many committee meetings to substantiate this.

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2. I do not accept that the accusations of shielding of witnesses was anything other than an accurate description of what took place in the meeting of 7th October. In that meeting I addressed a question directly to Junior Minister Reilly. The First Minister stepped in and took that question even though she could not possibly answer it and it had not been asked before in the committee. In the recording of the meeting Ms Bradshaw can be heard agreeing with the First Minister's false asserting that she had already dealt with whether Junior Minister Reilly had seen Michael McMonagle at an event in Stormont in February 2023. It is noteworthy that this question – which is demonstrably in the public interest – has never been answered by Junior Minister Reilly who seldom does interviews. To my mind, this makes the shielding of her on one of the few occasions when she could be challenged all the more serious and undermines confidence in the democratic process.
3. I do not accept that there was anything nonsensical about my request – and it was a request proposed in an orderly and reasonable fashion, not a demand – that the committee use its powers to compel the Executive Office to release the handwritten notes of the private meeting between the chair of the TEO Committee and the First Minister. I would highlight the fact that there is a considerable gap between the meeting taking place and the minutes being typed up. In fact, the minutes were only typed up after the absence of committee minutes had become a matter of controversy. Secondly, it is noteworthy that the Covid Inquiry compelled the release of handwritten notes of Executive meetings which provided a much fuller record of what took place than the formal minutes. Thirdly, I would point out that on 14th November 2024 I submitted two Freedom of Information requests to the Executive Office asking for details of this meeting, including the handwritten notes from the meeting. Neither has been answered. This suggests to me that there may be more to this meeting than has yet come to public attention. Regardless, it is not unreasonable to request total transparency - something we still do not have – about a private meeting between the chair of a committee and a witness.
4. I am unclear as to what the claims of a "lack of challenge" here refers to.
5. I have made no claim about the legitimacy or otherwise of a vote.
6. I refute the suggestion that I have made accusations and allegations which are false in public commentary. I would also observe that Ms Bradshaw is, like myself, an MLA. She has the same access to the make statements in the Assembly and issue statements to the press which I have. I am quite happy to be challenged in either or both of those forums on anything I have said. What is not in order is for Ms Bradshaw to seek to abuse a private complaint process in an attempt to silence me.
7. I do not accept that my comment was misogynistic. However, I do accept that it was ill judged and that is why I apologised for it at the time in committee. Ms Bradshaw accepted this at the time and I believed that was the end of the matter.

In relation to paragraph three:

1. I would note that in the opening sentence Ms Bradshaw refers to herself in the third person. This also happens in the opening sentence of the fourth paragraph of her complaint. As Ms Bradshaw appears to be exercised about details of her complaint not being shared I find this particularly curious as it suggests that someone else has drafted the complaint on her behalf. Have you asked her about this?
2. Ms Bradshaw again refers to the meeting of 23rd October as having taken place on 23rd September – something which is indicative of the ill-considered nature of her complaint.
3. She highlights my drawing attention to the fact that I drew the committee's attention to a complaint about her conduct. What she does not say is that the previous week she had taken a complaint about my conduct out of correspondence and put it to the front of the pack. She also referred to it at the start of business. The committee agreed, in open session, to advise the complainant to write to yourself. If Ms Bradshaw believes my actions to have been a potential breach of rule 11 how does she explain her own or does

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she rely on the exemption clause that the rules do not apply to committee chairs as you have advised me in previous correspondence?

4. As highlighted in point 2 in response to paragraph two, I stand over my description of the actions of the chair as shielding.

In relation to paragraph four:

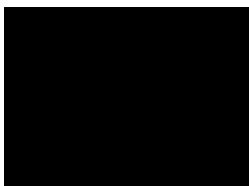
1. Ms Bradshaw again references a meeting on 23rd September when, I assume, she is referring to the one on 23rd October. I do not accept that my actions in seeking transparency (see paragraph two point 3) amounted to an attempt to waste committee time.
2. In relation to the events of 18th September – I stand over my comments. It is the case that an unfounded allegation of institutional racism was levelled against the Housing Executive in the meeting of 18th September 2024 which should have been challenged by the chair in my view. However, this is a matter best left to the committee room rather than involving your office in my view. Ms Bradshaw had the opportunity – which she took – to respond to my comments in the committee meeting of 18th September.
3. I take exception to the suggestion that I am not concerned about racism. In fact, I was the only member of the committee to put the concerns of the witness to the Minister responsible (see AQW 15406/22-27 on the Assembly website).
4. As for the rest of the contents of this paragraph, frankly these matters would be better addressed to the News Letter than your office. I am not accountable for what David Thompson or any other journalist writes.

In relation to paragraph five:

1. Again, I am not responsible for the contents of the News Letter.
2. I addressed the point about alleged misogyny in point 7 in response to paragraph two.
3. I do not accept that I have subjected anyone to “unreasonable and excessive personal attack” for the reasons detailed above.
4. I am at loss as to why Ms Bradshaw would be at pains to stress that she does not expect anyone else to be involved in my response to her complaint. I believe she should be asked to clarify why she made this point.

In conclusion I would observe that the timing of this complaint suggests to me that it was submitted once Ms Bradshaw learned that you were not going to accept my complaint about her private meeting with a witness (ie the First Minister). I believe it is a serious defect in your role that you can investigate committee members but not committee chairs. I strongly believe that there was a great deal more merit in the complaint which I made about Ms Bradshaw than the rambling, confused and irrelevant complaint from Ms Bradshaw which you have chosen to progress.

Yours sincerely,



Timothy Gaston MLA

From: Gaston, Timothy <timothy.gaston@mla.niassembly.gov.uk>
Sent: Wednesday, October 23, 2024 10:37 am
To: Potter, Michael <Michael.Potter@niassembly.gov.uk>
Cc: Bradshaw, Paula <paula.bradshaw@mla.niassembly.gov.uk>; Egan, Connie <connie.egan@mla.niassembly.gov.uk>; Kingston, Brian <brian.kingston@mla.niassembly.gov.uk>; Sugden, Claire <claire.sugden@mla.niassembly.gov.uk>; Harvey, Harry <harry.harvey@mla.niassembly.gov.uk>; Sheerin, Emma <emma.sheerin@mla.niassembly.gov.uk>; McLaughlin, Sinead <sinead.mclaughlin@mla.niassembly.gov.uk>; niChuilin, Caral <caral.nichuilin@mla.niassembly.gov.uk>
Subject: Re: Meeting with the FM

Dear Mr Potter,

I object in the strongest possible terms to this.

When did the committee agree to the Chairperson meeting with the First Minister privately, why were other members of the committee not invited?

How can anyone have any confidence in today's meeting and what will take place there when the Chairperson has granted the witness a one-to-one meeting to discuss the conduct of said meeting.

What on earth is the basis for the Chairperson speaking to the legal advice given that yesterday the committee agreed that the legal advice was privileged and should not be shared outside the committee.

In my view this meeting compromises todays committee meeting, is disorderly as no approval was sought for it from committee and frankly I'm disappointed with your own involvement in this affair.

When was the communication received from the First Minister and why is the committee only being made aware minutes before it was due to take place.

Yours sincerely,

Timothy Gaston MLA

02825640250

From: Potter, Michael <Michael.Potter@niassembly.gov.uk>
Sent: Wednesday, October 23, 2024 9:50:28 AM
To: Egan, Connie <connie.egan@mla.niassembly.gov.uk>; niChuilin, Caral <caral.nichuilin@mla.niassembly.gov.uk>; Kingston, Brian <brian.kingston@mla.niassembly.gov.uk>; McLaughlin, Sinead <sinead.mclaughlin@mla.niassembly.gov.uk>; Gaston, Timothy <timothy.gaston@mla.niassembly.gov.uk>; Sugden, Claire <claire.sugden@mla.niassembly.gov.uk>; Sheerin, Emma <emma.sheerin@mla.niassembly.gov.uk>; Harvey, Harry <harry.harvey@mla.niassembly.gov.uk>
Cc: Bradshaw, Paula <paula.bradshaw@mla.niassembly.gov.uk>
Subject: Meeting with the FM

Members, the Chair has received the following from the First Minister:

Paula,

In response to the request from The Executive Office Committee, I have already indicated my willingness to attend. To ensure that the meeting is constructive and contributes to the positive working relationship between Ministers and the Committee, I believe it would be useful for us to meet tomorrow morning, in advance of the Committee meeting tomorrow afternoon to talk through the most efficient and effective use of the time available. As you would expect, in preparing for my attendance and to ensure that my attendance is conducted in a spirit of openness and cooperation, I have sought legal advice, firstly, on the legal basis for the invitation to attend and, secondly, on the parameters for putative questions that the committee might ask to ensure they are consistent with the Committee's legal vires.

I understand that the Committee has also asked for and received legal advice, presumably on the same legal issues. I have requested sight of this legal advice which, I assume, sets out the very clear legal basis on which the Committee can exercise its scrutiny role. As you know this is confined to the statutory functions which I exercise jointly as First Minister. Matters outside the functions and responsibilities of The Executive Office are beyond the legal remit of the Committee. I believe, in the spirit of fairness, openness and cooperation, the Committee should willingly make this legal advice available to me as I prepare to appear before the Committee.

I would therefore suggest that a meeting tomorrow morning, between you, as Committee Chair, and me, as First Minister, to discuss the next steps is the best way to ensure that my attendance at The Executive Office Committee meeting is productive and is conducted consistent with the statutory remit of the Committee.

I look forward to hearing from you,

Michelle O'Neill

First Minister

The Chair is meeting the First Minister at 10am. The purpose of the meeting is as follows:

- To discuss the conduct of the meeting, but not the content of the meeting.
- To speak to the legal advice, but not to share the legal advice.

Michael



Michael Potter : Assembly Clerk, Committee for the Executive Office | [Northern Ireland Assembly](#) | Contact: michael.potter@niassembly.gov.uk | Tel: 02890521830 | Mob: 07989731581 | Room 416, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

From: Gaston, Timothy <timothy.gaston@mla.niassembly.gov.uk>
Sent: Friday, October 18, 2024 3:04 pm
To: Potter, Michael <Michael.Potter@niassembly.gov.uk>
Cc: [REDACTED] <>
Subject: Re: Questions for Ministers

Dear Mr Potter,

Please be advised that I disagree with the idea that any witness before the committee should have prior sight of questions. A key role of the committee is to scrutinise witnesses and the ability to get to the truth will be limited if questions are finished to the witnesses in advance. It is, to my mind, akin to the prosecution giving the defence their paperwork ahead of a cross examination of the accused.

Indeed, I believe that the course of action suggested in previous emails make a mockery of the scrutiny function of the committee.

If you feel you must pass information to the Executive Office please advise them that the questions I will ask will concern themselves largely with the matters I raised during my member's statement on Tuesday in the Assembly, the motion of no confidence in the First Minister lodged in the business office, questions I have tabled to the Executive Office and the unanswered questions from their previous appearance at committee.

However, I also reserve the right to explore additional matters related to the suitability of the First Minister to hold office.

Yours sincerely,

Timothy Gaston MLA

028 25 640250

Sent from [Outlook for iOS](#)

From: Potter, Michael <Michael.Potter@niassembly.gov.uk>
Sent: Friday, October 18, 2024 2:07 pm
To: Bradshaw, Paula <paula.bradshaw@mla.niassembly.gov.uk>; Egan, Connie <connie.egan@mla.niassembly.gov.uk>; niChuilin, Caral <caral.nichuilin@mla.niassembly.gov.uk>; Kingston, Brian <brian.kingston@mla.niassembly.gov.uk>; Sugden, Claire <claire.sugden@mla.niassembly.gov.uk>; McLaughlin, Sinead <sinead.mclaughlin@mla.niassembly.gov.uk>; Gaston, Timothy <timothy.gaston@mla.niassembly.gov.uk>; Sheerin, Emma <emma.sheerin@mla.niassembly.gov.uk>; Harvey, Harry <harry.harvey@mla.niassembly.gov.uk>
Cc: [REDACTED]
Subject: Questions for Ministers

Members

Thank you to those Members who have submitted questions so far. A gentle reminder for questions to be supplied by 5pm.

To clarify, as discussed at the meeting on Wednesday, the advance provision of questions is so that Ministers can provide accurate, considered responses to the Committee to enhance its scrutiny role on matters relating to its remit. This does not affect the Committee's function in having an unfettered right to ask additional relevant questions.

Michael



Michael Potter : Assembly Clerk, Committee for the Executive Office | [Northern Ireland Assembly](#) | Contact: michael.potter@niassembly.gov.uk | Tel: 02890521830 | Mob: 07989731581 | Room 416, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

From: Gaston, Timothy <timothy.gaston@mla.niassembly.gov.uk>
Sent: Wednesday, October 23, 2024 11:28 am
To: Potter, Michael <Michael.Potter@niassembly.gov.uk>; Egan, Connie <connie.egan@mla.niassembly.gov.uk>; niChuilin, Caral <caral.nichuilin@mla.niassembly.gov.uk>; Kingston, Brian <brian.kingston@mla.niassembly.gov.uk>; McLaughlin, Sinead <sinead.mclaughlin@mla.niassembly.gov.uk>; Sugden, Claire <claire.sugden@mla.niassembly.gov.uk>; Sheerin, Emma <emma.sheerin@mla.niassembly.gov.uk>; Harvey, Harry <harry.harvey@mla.niassembly.gov.uk>; Bradshaw, Paula <paula.bradshaw@mla.niassembly.gov.uk>
Subject: Re: Legal advice

Mr Potter,

I object to the legal advise being shared and there should be no question of it being shared on the basis of an email being circulated to members.

We had a meeting yesterday at which it was decided that the committee legal advice was privileged and should not be shared.

It is most irregular to seek to overturn this decision by way of an email to committee members without so much as a meeting of the committee.

Furthermore, I wish to make it clear that in light of the Chairperson meeting with a witness, Ms Bradshaw's position to chair todays meeting has been compromised. It is untenable that someone who, behind the back of the committee, compromised her ability to act as an impartial chair should oversee today's proceedings.

Can you confirm that in light of my objection, regardless of the views of other committee members expressed in email, the decision taken yesterday not to share the committees privileged legal advice cannot be overturned?

Furthermore, please advise what arrangements will be made to find an alternative chair for today's meeting in light of the behaviour of Ms Bradshaw in meeting a witness privately without consultation, much less approval, from the committee.

Yours sincerely,

Timothy Gaston MLA

028 25 640250

From: Potter, Michael <Michael.Potter@niassembly.gov.uk>
Sent: Wednesday, October 23, 2024 11:06 am
To: Egan, Connie <connie.egan@mla.niassembly.gov.uk>; niChuilin, Caral <caral.nichuilin@mla.niassembly.gov.uk>; Kingston, Brian <brian.kingston@mla.niassembly.gov.uk>; McLaughlin, Sinead <sinead.mclaughlin@mla.niassembly.gov.uk>; Sugden, Claire <claire.sugden@mla.niassembly.gov.uk>; Gaston, Timothy <timothy.gaston@mla.niassembly.gov.uk>; Sheerin, Emma <emma.sheerin@mla.niassembly.gov.uk>; Harvey, Harry <harry.harvey@mla.niassembly.gov.uk>; Bradshaw, Paula <paula.bradshaw@mla.niassembly.gov.uk>
Subject: Legal advice

Members

The Committee has been asked to share the legal advice with the First Minister. Can you let me know by 12.00 if you are in agreement?

Michael
Sent from my iPhone