

Submission by Timothy Gaston in response to Commissioner's report

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Transcript of oral statement

1) The setting and the reality of that meeting

We were not in a routine session. We were preparing to scrutinise the First Minister on matters that go to the heart of public confidence.

Shortly before that hearing, it emerged that the Chair had held a private, undisclosed meeting with the First Minister — the very witness we were about to question. Members had not been informed.

To this day, the Executive Office is resisting a Freedom of Information request seeking the notes of that meeting made on the day. The matter is now with the Information Commissioner. No minute of the meeting was taken by the Chair or by the committee clerk who accompanied her.

That discovery created tension in the room — not personal tension, not gendered tension — but a legitimate question of concern. I raised that issue firmly but within procedure. The Chair ruled; I complied. Business proceeded; the First Minister gave evidence; the meeting concluded.

During that exchange I used the phrase, "Take a breath — you're okay." It was a poor choice of words in a moment of pressure. I apologised immediately at the end of the meeting, and the apology was accepted — publicly acknowledged that evening by the Chair herself. That should have been the end of it.

2) The Commissioner's procedural inconsistency

The heart of this matter is not tone — it is process.

I lodged a formal complaint about the Chair's undisclosed meeting with the First Minister on 19 December 2024. On 7 February 2025, the Commissioner ruled that complaint inadmissible, stating that because the Chair was "acting in her capacity as Chair", she was acting "exclusively in another political or public office." Therefore, the MLA Code of Conduct did not apply. That was the official position of the Standards Commissioner in February.

Yet scarcely a month later, the same Commissioner accepted a complaint arising from the same meeting, and applied the same MLA Code to investigate me — a Committee Member — for my words to that Chair.

That contradiction is fatal to the integrity of the process. If a Committee Chair's conduct is, by definition, "exclusively outside" the Code, then everything that occurred in that meeting — including the interaction between Chair and Member — lies outside her jurisdiction. You cannot treat the Chair as exempt from the Code for one purpose, then invoke the Code against another Member for the same proceedings. Either the Code applied to that meeting, or it did not. It cannot apply to one participant and not the other.

The problem deepens when we recall precedent. The same Commissioner previously investigated Dr Steve Aiken MLA for his conduct while chairing a committee meeting, and in that case she expressly stated that "Dr Aiken was at all times acting in his capacity as a Member of the Legislative Assembly. He was additionally acting in his

capacity as Chairperson of the Committee for Finance" — and then applied the MLA Code and made findings under it.

So, in one case, the Commissioner said a Chair's conduct in committee is covered by the Code. In my case, she said a Chair's conduct is not. She then used the Code to sanction me for challenging that Chair. That is a clear inconsistency of jurisdiction and, in public-law terms, a breach of natural justice. Like cases must be treated alike. They were not.

A finding built on that contradiction cannot safely stand. The law requires that justice be seen to be done. Here, the process was unequal.

The timeline reinforces the concern

- 19 Dec 2024 — I lodged a complaint about the Chair's undisclosed meeting.
- 7 Feb 2025 — The Commissioner rejected that complaint as inadmissible.
- Mid-Mar 2025 — The Chair then lodged a complaint about me.

So: my complaint was lodged first, dismissed second, and only after that came the complaint against me — about the very same meeting. Whatever anyone's motive, that sequence creates the appearance of retaliation and procedural imbalance. The Commissioner should have recognised that risk and exercised caution, or referred the matter to another investigator to avoid any perception of partiality. She did not. Instead, she investigated me while declining to examine the conduct that provoked my concern in the first place. That is not fairness. One party was shielded from scrutiny while the other was exposed to sanction. And I repeat: even the appearance of bias is enough to invalidate a process.

This is about the consistency and credibility of the Standards process itself. If a Chair's actions are exempt from investigation but a Member's response in that same meeting is punishable, then the system cannot be said to apply equally. That undermines confidence in the Commissioner's office and in the fairness of Assembly discipline.

I do not make that point lightly. Every Member — regardless of party — must know that the rules will be applied consistently, and that raising a legitimate procedural concern will not expose them to one-sided sanction.

Let me add this. The concerns I raised that day have never been properly addressed. With the only note of the pre-hearing meeting taken on the day still withheld by the Executive Office, there is at least a reasonable perception of something to hide. Asking the same question when there is a repeated refusal to answer it is not unreasonable; it is a public duty for an MLA determined to get to the truth. I make no apology for raising the events of that day until they are transparently accounted for. And no report should deter any MLA from performing that public duty.

The code of conduct should not be used as a tool to silence legitimate questions because they make an MLA uncomfortable.

3) Proportion and precedent going forward

I do not pretend my phrase was well-chosen. It was not. I apologised; it was accepted; business moved on. That is what professional conduct looks like under pressure — a momentary lapse, recognised and resolved.

To inflate that into findings of “misogyny” or “improper interference” is neither fair nor proportionate. It risks trivialising genuine misconduct by conflating it with a single, self-corrected remark. If this finding stands, future Members may hesitate to challenge procedural irregularities for fear that a firm word could be reinterpreted months later as a disciplinary offence. That would weaken scrutiny, not strengthen standards.

4) Closing

I ask you to look beyond rhetoric and examine the logic. The Commissioner's own rulings cannot coexist:

- either a Committee Chair's conduct is within the MLA Code or it is not;
- either the Code applies to that meeting or it does not.

It cannot apply selectively.

On that contradiction alone, this process is unsound. Add to that the sequence of complaints — mine first, rejected; hers second, accepted — and the perception of fairness collapses completely.

For these reasons, I submit that this case cannot safely stand. The findings should not be adopted by the Committee, and the matter should be regarded as resolved on the day it occurred —the Committee's business proceeded and at its close an apology was offered and accepted.

Finally, I would ask that the Committee seek its own legal advice on the jurisdictional and fairness points I have made before proceeding further.

Written response

Committee on Standards and Privileges
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12th June 2025

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 11th February 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.

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 patterned 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 acknowledge 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-laOSfA>) 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 chair person'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 Kingstone'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 fall into the same category as those asked by me which the Commissioner has found broke rule 13.

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 Kingstone 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 Kingstone'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 refereeing 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 "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 describes 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

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,
Timothy Gaston

Timeline

19th December 2024 – Timothy Gaston complaint lodged against Ms Bradshaw.

7th February 2025 – Complaint rejected by the Commissioner stating that the Ms Bradshaw was acting as the chair, not as an MLA.

13th March 2025 – Ms Bradshaw lodges complaint against Timothy Gaston relating to the same meeting.

Correspondence relating to my complaint against Paula Baradshaw MLA

Timothy Gaston MLA
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BELFAST
BT4 3XX



Please reply to:
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BT4 3XX

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Emailed to: standardscommissioner@niassembly.gov.uk

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.

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

Tel: 028 25 640250

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;

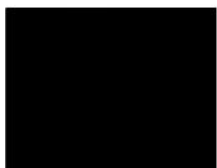
(c) In the evidence session with the First Minister the First Minister appeared to have knowledge of the Committee's privileged legal advice, referring the same several times during her time before the Committee. The legal advice is also referenced in the Executive Office minutes of the meeting between 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,



Timothy Gaston MLA

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Mr Timothy Gaston
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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



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Mr Timothy Gaston
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26 February 2025

Case ID: 202400041

Dear Mr Gaston

Your complaint against Ms Paula Bradshaw MLA

In accordance with paragraph 3.12 of the General Procedures Direction I write to advise you that I have decided that the above complaint is not admissible.

I have reached that decision for the following reasons:

1. Under the Code, I cannot consider actions taken by Ms Bradshaw in her role as Chair. Paragraph 2.2(c) of the Code states that "the Code does not apply to the conduct of a Member... when acting exclusively in the capacity of any other political or public office" which means that complaints related to her actions as Chair fall outside the scope of the Code.
2. The role of chairperson of a committee is clearly a political office: under section 29 of the Northern Ireland Act 1998, the chairperson of a statutory committee is appointed by the nominating officer of the political party to which he or she belongs, and may be removed only if he or she resigns, is dismissed, or ceases to be a member of the Assembly.

If within 14 days from the date of this letter you give me notice in writing that you are dissatisfied with my decision, I will refer your complaint to the Committee on Standards and Privileges for further consideration. If you decide to exercise that right you may wish to include in the notice you send me the reasons why you are dissatisfied with my decision.

Yours sincerely

Dr Melissa McCullough
Northern Ireland Assembly Commissioner for Standards

Private & Confidential

Relevant extracts from the Commissioner's report into the conduct of Dr Steve Aiken

Summary

- The Commissioner found Dr Aiken's conduct as Chair was within the scope of the MLA Code.
- The report uses the phrase: "Dr Aiken was at all times acting in his capacity as an MLA and as Chairman of the Finance Committee."
- The MLA Code (Rule 15) was directly applied to that conduct.

Extract 1

"Dr Aiken was at all times acting in his capacity as an MLA. Dr Aiken was additionally acting in his capacity as Chairman of the Finance Committee."
(NI Assembly Commissioner for Standards Report on a Complaint against Dr Steve Aiken OBE MLA, p. 7)

This line is the crux: it shows that the Commissioner treated a Committee Chair's conduct during a meeting as within the MLA Code of Conduct.

Extract 2 – Context of the Investigation

"This complaint was raised by a senior civil servant ... relating to his attendance at the Committee for Finance meeting on 17 June 2020 where he gave evidence ...

... Dr Aiken was at all times acting in his capacity as an MLA and as Chairman of the Finance Committee."
(ibid., paras 1–9)

Extract 3 – Code Applied to the Chair

"Having considered all the evidence ... it is my view that Dr Aiken's behaviour was in breach of Rule 15 (para 4.15) and the Respect principle of the NI Assembly's Code of Conduct for MLAs."

(ibid., p. 3)

The Commissioner explicitly applied the MLA Code to conduct as Chair, meaning she viewed "capacity as Chair" as not exclusive of "capacity as MLA."

That is precisely the opposite interpretation she used when dismissing the Gaston complaint — where she said that because the Chair was "acting exclusively in another political or public office", the MLA Code did not apply.

Extract 4 – Rule 15 Referenced

“You shall not subject anyone to unreasonable and excessive personal attack.”
(Code of Conduct, Rule 15 — Annex A of Aiken Report)

**Freedom of Information correspondence relating to the continuing refusal of
the Executive Office to release contemporaries notes of Ms Bradshaw's private
meeting with the First Minister**



Northern Ireland
Assembly

Emailed to: info@executiveoffice-ni.gov.uk

Ref: TG/SM/Assembly/12506

14 November 2024

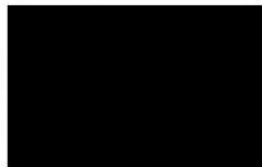
Executive Office
Freedom of Information Unit

Dear Freedom of Information Officer,

Pursuit of the Freedom of Information Act I request all information held by the Department relating to the meeting between the First Minister and the chair of the Executive Office Committee on 23rd October 2024 including but not limited to minutes, emails, text messages, WhatsApp messages and contemporaneous notes made of the said meeting.

I look forward to hearing from you promptly.

Yours sincerely,



Timothy Gaston MLA

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

Tel: 028 25 640250

Timothy Gaston MLA
Parliament Buildings
STORMONT
BELFAST
BT4 3XX



Please reply to:
Constituency Office
38 Henry Street
BALLYMENA
Co Antrim
BT4 3XX

Tel: 028 25640250
E-mail:

Emailed to: info@executiveoffice-ni.gov.uk

Ref: TG/SM/Assembly/12509-1

13 December 2024

Executive Office
Freedom of Information Department

Dear Freedom of Information officer

Re: Pursuit of Freedom of Information Act

I write to appeal the decision to refuse my Freedom of Information request.

Firstly, the blanket nature of the refusal is clearly indefensible as some of the information included within the scope of the request - such as the TEO official minutes of the meeting and text messages exchanged between the First Minister and the chair of the TEO Committee - are already in the public domain, some only because they were released after a freedom of information request from a journalist. Why have these documents been withheld from me as they are clearly within the scope of my request?

Secondly, in making this decision you have made no reference to the public interest. I contend that as this meeting was extremely unorthodox as it involved a meeting between a scrutiny committee chair and the Minister she is supposedly scrutinising there is an exceptionally strong public interest argument in favour of disclosure.

I contend that there is a strong public interest argument in comparing these notes with the official record which is already published - albeit for some strange reason you have not disclosed it to myself.

Thirdly, I would observe that there is a significant time delay between the meeting taking place and the official minute being written. In fact, the official minute was written after the absence of a committee minute of the meeting became a matter of controversy and public comment. This adds to the public interest argument in favour of disclosure of all relevant information.

Fourthly, I would observe that there is precedent for such information entering the public domain as it happened during the Covid inquiry.

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

Tel: 028 25 640250

Accordingly, I formally appeal this refusal and make it clear that should my appeal be rejected I will be taking the matter to the Information Commissioner.

Yours sincerely,



Timothy Gaston MLA

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

Tel: 028 25 640250



Northern Ireland
Assembly

Emailed to: PS.ministers@executiveoffice-ni.gov.uk

Your Ref: FOI 01092024

Our Ref: TG/SM/Assembly/12506-2

[REDACTED]
Executive Office

21 January 2025

Dear [REDACTED],

You previously advised that you would provide a full response to my Freedom of Information request by 16th January 2025.

As it is now the 21st I write to inquire when I can expect a reply with the requested information.

Yours sincerely,

Timothy Gaston MLA

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

Tel: 028 25 640250



Northern Ireland
Assembly

Emailed to: ni@ico.org.uk

Ref: TG/SM/Assembly/12506-4

The Information Commissioner's Office – Northern Ireland
10th Floor
Causeway Tower
9 James Street South
Belfast
BT2 8DN

21 February 2025

Dear Commissioner,

I write to draw your attention to the failure of the Executive Office to comply with their obligations under the Freedom of Information Act.

I have enclosed copies of all correspondence to and from the Executive Office relating to this matter.

You will note that I have got nothing of substance from the Executive Office more than 3 months since I submitted my FOI. Total disregard has been shown for the Department's statutory duties to reply within 20 working day as stipulated in section 10 of the Freedom of Information Act.

I would be much obliged if you could intervene in this case and compel the Department to comply with its legal duties

Yours sincerely,



Timothy Gaston MLA

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

Tel: 028 25 640250



Northern Ireland
Assembly

Emailed to: ni@ico.org.uk

Ref: TG/SM/Assembly/12506-5

4 April 2025

Information Commissioner

Dear Commissioner

Re Case Reference: IC-365761-B7V8

You wrote to me on 20th March to advise that you had been told that I would receive a response from the Executive Office within 10 working days.

Those 10 working days elapsed and still nothing.

It is now four and a half months since I submitted my Freedom of Information request which should have been answered within 20 working days. No information has been disclosed to me by the Department. It is not a complex request. The request relates to a single meeting.

Frankly the Department is making a mockery of the legislation and I think it is long past the point where you should be requiring the Executive Office to comply with its statutory responsibilities.

Yours sincerely,



Timothy Gaston MLA

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

Tel: 028 25 640250



Northern Ireland Assembly

Emailed to: [REDACTED]@executiveoffice-ni.gov.uk

Ref: TG/SM/Assembly/12506-6

21 May 2025

Private Office
Communications and Executive Support
Room GD11
Stormont Castle
BELFAST BT4 3T

Dear [REDACTED]

Re FOI 2024 0109 – Request for Internal Review

I write to request a formal internal review of the decision to withhold information concerning the private meeting between the First Minister and the Chair of the TEO Committee. While I do not challenge the application of Section 40(2) in relation to personal data, I am appealing the application of the exemptions under Section 35(1)(b), Section 35(1)(d), and Section 42(1) of the Freedom of Information Act 2000.

Section 35(1)(b) – Formulation or Development of Government Policy

The rationale for invoking this exemption in this instance appears weak for the following reasons:

1. **Policy Already Implemented:** Any policy decisions stemming from this meeting have already been formulated and actioned. As such, the sensitivity of the information is diminished. Case law and decisions by the Information Commissioner have repeatedly affirmed that the weight of this exemption weakens over time.
2. **Public Accountability and Deterrence:** The meeting in question has caused considerable public concern regarding the robustness of the Assembly committee system and ministerial accountability. Disclosure would serve the public interest by acting as a deterrent to future conduct that undermines democratic scrutiny.
3. **Avoidance of Embarrassment is Not a Valid Ground:** There is a legitimate concern that the exemption is being applied to avoid political embarrassment for the First Minister or the Committee Chair. The FOI Act was not designed to shield public officials from embarrassment but to promote transparency and public trust.
4. **Delay in Response Undermines Secrecy Justification:** The Department responded only after a decision notice from the Information Commissioner—almost six months after the original request. This delay further weakens the case for withholding, as the passage of time has eroded any residual sensitivity.

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

Tel: 028 25 640250

The application of this exemption is also questionable:

1. Limited Scope of the Exemption: This section is intended to protect the internal and administrative workings of a minister's private office—not to shield substantive decision-making or politically significant meetings from scrutiny.
2. Lack of Inherent Sensitivity: Much of what occurs in ministerial offices is procedural and not sensitive. The public interest in transparency outweighs the need for routine confidentiality in this case.
3. Risk of Misuse: There is a strong appearance that the exemption is being deployed not to protect legitimate private office functions, but to obscure politically contentious decision-making and protect high-level individuals from scrutiny.

Section 42(1) – Legal Professional Privilege

This exemption, while important, is not absolute and must be applied proportionately:

1. Qualified Exemption: Section 42(1) is subject to the public interest test, which appears not to have been properly weighed in this case.
2. Nature and Age of Legal Advice: The advice in question is over six months old. There is no indication that it relates to ongoing or live legal proceedings. Not all legal advice is inherently sensitive, particularly when it concerns how public authorities interpret the law in exercising public functions.
3. Use of Advice to Justify Controversial Conduct: The legal advice was evidently relied upon to justify the First Minister's decision not to answer questions. That heightens, rather than diminishes, the public interest in disclosure.
4. Publicly Funded Advice: Since this advice was paid for with public money, the public has a strong interest in accessing it—especially where it has been used to underpin contentious political decisions.

The response to my FOI request raises further concern in relation to the minutes of the meeting between the First Minister and the chair of the TEO Committee:

- The minute produced by TEO is the only formal record of the meeting;
- That minute was typed up only after the controversy surrounding the lack of a Committee minute;
- It was shared with the Committee Chair before anyone outside the Chair or the Department saw it;
- There was a significant delay between the meeting and the production of the minute and
- As the COVID Inquiry has shown, contemporaneous handwritten notes often provide a more accurate and candid account than retrospective, sanitised summaries.

In these circumstances, there is a compelling public interest in releasing any contemporaneous notes, drafts, or informal records related to this meeting. The absence of transparent and contemporaneous documentation is itself a matter of significant public concern.

Given the extraordinary delay in responding to this FOI request — and the fact that much of the sensitivity around the material has now passed — I urge you to release the withheld information without further delay and in compliance with the statutory timeframe for internal review.

I look forward to a response within 20 working days, as required under the legislation.

Yours sincerely,



Timothy Gaston MLA

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

Tel: 028 25 640250



**Northern Ireland
Assembly**

Emailed to: ni@ico.org.uk

Ref: TG/TG/Assembly/12506-7

12 June 2025

The Information Commissioner's Office
10th Floor
Causeway Tower
9 James Street South
Belfast
BT2 8DN

Dear Sir/Madam,

Re: Appeal Against Internal Review Decision – FOI Request to The Executive Office (IR 2025-0003)

I write to request a formal review by the Information Commissioner's Office (ICO) under section 50 of the Freedom of Information Act 2000 regarding The Executive Office's handling of my FOI request dated 14 November 2024, and its internal review response dated 12 June 2025 (ref: IR 2025-0003).

This request concerned all information held by the Department relating to the meeting between the First Minister and the Chair of the Executive Office Committee on 23 October 2024, including but not limited to minutes, emails, text messages, WhatsApp messages and contemporaneous notes.

I respectfully submit that the Executive Office has not complied with its obligations under the Freedom of Information Act and that its decision to withhold information under sections 35(1)(b), 35(1)(d), 40(2), and 42(1) was neither proportionate nor supported by a sufficiently robust public interest assessment.

Grounds for Appeal

1. Section 35(1)(b) – Ministerial Communications

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

Tel: 028 25 640250

The Executive Office claims this exemption to preserve a "safe space" for ministerial decision-making. However, I argue that:

- **The policy decisions in question have already been implemented**, weakening any justification for secrecy.

The Information Commissioner has consistently held that the public interest in withholding such material diminishes once the decision-making process is complete.

- **Disclosure is necessary for public accountability**, particularly in this case, where the conduct of both the First Minister and the Committee Chair during the meeting has drawn significant public concern. This is a matter which has attracted attention from every major media outlet in Northern Ireland.

- **There is a legitimate suspicion that the exemption is being used to avoid political embarrassment**, which is not a valid reason under the Freedom of Information Act.

- **The Department only responded after intervention by the Information Commissioner's Office** — six months after the original request — further undermining claims of sensitivity.

The internal review relies heavily on the general need for confidentiality without specifically addressing how disclosure would concretely damage future communications. No compelling evidence is provided to justify the continuing application of this exemption.

2. Section 35(1)(d) – Operation of Ministerial Private Office

This exemption has been used to withhold handwritten notes by the First Minister's Principal Private Secretary. The Executive Office characterises this as a "routine administrative task." If so, then:

- **It falls outside the core purpose of this exemption, which is to protect sensitive operational aspects of private office work**, not to shield information of political or public interest.

- **The official minutes of the meeting have already been released** following similar FOI requests, further reducing any plausible harm from disclosing the contemporaneous handwritten notes - unless of course the two fail to tally in which case the public interest in disclosure is greater, not diminished.

- **There is no evidence that disclosure would inhibit future administrative functions** of the Ministerial Private Office, nor that the notes themselves contain information so sensitive as to warrant withholding unless they are embracing for the Minister and / or the chair of the committee in which case the public interest in disclosure is greater.

The use of this exemption appears disproportionate, given the content and context.

3. Section 42(1) – Legal Professional Privilege

The application of this exemption is particularly concerning, given the apparent use of the legal advice to justify the First Minister's refusal to answer certain questions at a public Committee meeting.

- While legal privilege is a recognised and important principle, it is **subject to a public interest test**. The Executive Office has not shown that this test was adequately or independently applied.

- The legal advice is over six months old, **concerns matters of high public importance**, and was referenced in a public forum to justify contentious conduct.

- The advice was publicly funded and used to inform the First Minister's accountability to an Assembly Committee. This strengthens the case for transparency, particularly where the advice affects democratic oversight.

- **Both the Committee and the First Minister relied on legal advice to limit questioning**. It is in the public interest to understand the scope and reasoning of such advice.

The Department's blanket refusal to release this information fails to balance the competing interests involved.

Request for ICO Intervention

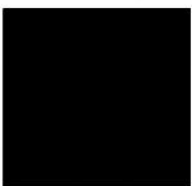
I respectfully request that the Information Commissioner:

1. Investigate whether TEO has correctly applied the exemptions under sections 35(1)(b), 35(1)(d), and 42(1), and whether it has conducted a lawful and balanced public interest test.
2. Require the Department to disclose further information, particularly where exemptions are not sufficiently justified or where the public interest in transparency clearly outweighs the asserted need for confidentiality.

I enclose a copy of the Department's internal review response dated 12 June 2025 for reference as well as a copy of my original request and a copy of my appeal.

Thank you for your consideration of this appeal. Please do not hesitate to contact me should any further information be required.

Yours sincerely,



Timothy Gaston MLA

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

Tel: 028 25 640250

