



Committee on Standards and Privileges

Report on a complaint against Mr Timothy Gaston MLA

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Assembly

Report: NIA103/22-27 Committee on Standards and Privileges.

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Powers and Membership

Powers

The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Orders 51 and 57. Further provisions on the Committee's functions are also included in Standing Orders 69, 69A, 69B, 69C and 70.

The Committee has the power:

- To consider specific matters relating to privilege referred to it by the Assembly;
- To oversee the work of the Assembly Clerk of Standards;
- To examine the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and any other register of interests established by the Assembly, and to review from time to time the form and content of those registers;
- To consider any specific complaints made in relation to the registering of declaring of interests referred to it;
- To consider any matter relating to the conduct of members; and
- To recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.

The Committee is appointed at the start of every Assembly, and has the power to send for persons, papers and records that are relevant to its inquiries.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Cathy Mason MLA (Chairperson)¹
- Connie Egan MLA (Deputy Chairperson)²
- Stewart Dickson MLA
- Mark Durkan MLA³
- Paul Frew MLA
- Harry Harvey MLA
- Brian Kingston MLA⁴
- Declan McAleer MLA⁵
- Emma Sheerin MLA⁶

¹ From 3 February 2025 Mrs Cathy Mason replaced Ms Carál Ní Chuilín as Chairperson.

² From 8 November 2024 Ms Connie Egan replaced Mr Stewart Dickson as Deputy Chairperson.

³ From 8 September 2025 Mr Mark Durkan replaced Mr Colin McGrath as a member of the Committee.

⁴ From 8 April 2024 Mr Brian Kingston replaced Mr Stephen Dunne as a member of the Committee.

⁵ From 10 February 2025 Mr Declan McAleer replaced Ms Carál Ní Chuilín as a member of the Committee.

⁶ From 24 November 2025 Ms Emma Sheerin replaced Miss Jemma Dolan as a member of the Committee.

List of Abbreviations and Acronyms used in this Report

CTEO:	Committee for the Executive Office
HRA:	Human Rights Act
MLA:	Member of the Legislative Assembly
NIABC:	Northern Ireland Assembly Behaviour Code
The Assembly:	Northern Ireland Assembly
The Code:	The Members' Code of Conduct
The Commissioner:	Assembly Commissioner for Standards
The Committee:	Committee on Standards and Privileges
The Convention:	European Convention on Human Rights

Introduction

1. The Committee on Standards and Privileges ('the Committee') has considered a report from the (former) Assembly Commissioner for Standards ('the Commissioner'), Dr Melissa McCullough, on her investigation into a complaint against Mr Timothy Gaston MLA ('the respondent') of an alleged breach of the Assembly Members' Code of Conduct ('the Code').⁷
2. A link to the Commissioner's investigation report, which includes a copy of the complaint correspondence, together with the evidence gathered during the investigation, is included at **Appendix 1** (a limited amount of information has been redacted from the Commissioner's report to accord with legal obligations). A link to the applicable minutes of proceedings of the Committee is included at **Appendix 2**.

Role of the Committee

3. The arrangements for regulating the standards of conduct of MLAs include: the role of the independent Commissioner in investigating complaints of alleged breaches of the Code; the role of the Committee in considering the Commissioner's investigation reports and adjudicating in light of the Commissioner's findings and any other evidence or information obtained; and the role of the Assembly in plenary in deciding upon sanctions recommended by the Committee, where applicable.
4. It is the Committee which ultimately decides on whether any breach of the Code is established, on the basis of the evidence, the facts and the legal position in respect of each allegation.

⁷ <https://www.niassembly.gov.uk/your-mlas/code-of-conduct/the-code-of-conduct-and-the-guide-to-the-rules-as-amended-on-23-march-2021/>

Background

5. On 11 February 2025, the Commissioner received a complaint from Ms Paula Bradshaw MLA ('the complainant') alleging that the respondent had failed to adhere to the Rules of Conduct.
6. Specifically, the complainant alleged that the respondent had breached Rules 11, 14 and 17 of the Code when, during proceedings of the Committee for The Executive Office ('CTEO') on 23 October 2024, Mr Gaston failed to follow her directions as Chairperson, disregarded the rules relating to the Committee's remit, and repeatedly made false or inaccurate public statements about her. She further alleged that, during this Committee meeting, Mr Gaston addressed her with the remark "breathe" which she considered inappropriate and misogynistic. Ms Bradshaw contends that Mr Gaston's actions have unjustly undermined her integrity and constitute breaches of the Rules of Conduct.
7. Following clarification by the Commissioner with the complainant, it was confirmed that the Ms Bradshaw's complaint was in relation to a breach of Rules 13 and 15.
8. The Commissioner considered the complaint and decided it was admissible following a preliminary investigation, before moving the complaint to investigation on 1 May 2025. In addition, the Commissioner, upon reviewing the complaint, also identified Rule 10 as being engaged.
9. On 23 May 2025 the Commissioner forwarded her investigation report to the Committee for consideration.
10. Prior to the Committee commencing its adjudication, and in accordance with its established disclosure procedure, the Committee Clerk sent the Commissioner's full investigation report to the respondent for written comment in respect of any matter raised within the report. Where applicable, any written comments received from the respondent in such complaint cases are provided to the Committee at the same time it receives the Commissioner's investigation report. The respondent was also offered the opportunity to appear before the

Committee to make comments in person and to answer any questions that members may have.

11. The respondent provided the Committee with a written response (**Appendix 3**) and indicated that he would be content to avail of the opportunity to attend an oral hearing with the Committee (the oral hearing took place on 12 November 2025). The Commissioner subsequently responded to the written response from the respondent, which can be found at **Appendix 4**. In addition, the respondent tabled a further follow-up written submission at the oral hearing on 12 November 2025 and submitted further follow-up correspondence, which can be found at **Appendix 5** and **Appendix 6** respectively.

Relevant rules in the Members' Code of Conduct

12. The relevant rules of conduct considered in relation to the complaint against the respondent are as follows:

Rule 15. You shall not subject anyone to unreasonable and excessive personal attack.

Rule 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.

Rule 10. You shall observe and comply with the Rules on All-Party Groups and any policy, guidance or instructions of any kind approved by the Assembly, or issued by the Assembly Commission or Assembly secretariat staff on its behalf or with its authority.

The Commissioner's investigation and reasoned decisions

13. In her investigation report the Commissioner has detailed the approach to the investigation, the evidence considered, her findings of fact, analysis and

reasoning and her conclusions on the allegations contained in the complaint (as well as wider observations).

14. As a result of her investigation, the Commissioner concluded that, as alleged by the complainant, the respondent had breached rules 15 and 13. The Commissioner also made a finding of a breach of Rule 10. The below extracts from the investigation report outline the substance of the Commissioner's reasoning in relation to the decisions which she reached on each of the allegations.

Allegation 1: Rule 15

15. The Committee noted the following comments by the Commissioner in particular:

'During the Committee meeting on 23 October 2024, at approximately 10:00, Mr Gaston questioned the Chair on her role in directing proceedings, specifically asking how she can "limit what Members are going to ask". The Chair responded by clarifying that she was not seeking to limit questioning. During this exchange, Mr Gaston interrupted and addressed the Chair with the remark: "Take a step back. You're okay, you're okay. Breathe".

Mr Gaston stated that he apologised to the Chair for his comment, and that the apology was accepted. Ms Bradshaw confirmed that an apology was offered but noted that it took place after the meeting was adjourned and was no longer being recorded. In response to the apology, Ms Bradshaw recalled replying along the lines of, "Sure, you've been doing this from the start".

It is evident from the content of her complaint that Ms Bradshaw does not regard this exchange as amounting to a meaningful or public apology for what she considered to be an inappropriate remark.

Rule 15 of the Code of Conduct prohibits MLAs from subjecting any individual to an 'unreasonable and excessive personal attack'. In considering whether Mr Gaston's comment amounted to a breach of this Rule, I have considered the ordinary meaning of the relevant terms. According to the Concise Oxford English Dictionary (11th Ed), 'excessive' means 'more than is necessary,

normal, or desirable,’ while ‘unreasonable’ is defined as ‘beyond the limits of acceptability. A ‘personal attack’ may be understood as an abusive remark or a severe criticism directed at an individual.

In my view, Mr Gaston’s comment was both unreasonable and excessive, as it served to undermine the authority of the Chair by implying that she was emotionally unbalanced or incapable of managing the proceedings—thereby casting doubt on her competence. The directive to “breathe” can reasonably be perceived as dismissive or invalidating, suggesting that the Chair’s response was exaggerated or inappropriate. It is important to recognise that phrases such as “breathe” or “calm down” can, particularly in professional and formal settings, function less as attempts to de-escalate and more as mechanisms to silence, dismiss, or diminish the contributions of the person being addressed. It has been identified that this can occur especially when that person is a woman in a position of authority where remarks of this nature serve to delegitimise and diminish by implying that they are overly emotional or irrational, and therefore unfit to lead...

While Mr Gaston does not accept that the remark was misogynistic, he does concede that it was ill-judged. Several Members, including the Chair, interpreted the comment as carrying misogynistic undertones. It is my view that Mr Gaston’s comment may reasonably be perceived as condescending and patronising in tone. Taken together, the tone and context of Mr Gaston’s remark undermined and disrespected the Chair’s authority in a manner that goes beyond acceptable parliamentary discourse and, in my view, constitutes an unnecessary personal attack.

...it is my view that Mr Gaston’s comment constitutes an unreasonable and excessive personal attack, amounting to a breach of Rule 15 of the Code. It can reasonably be regarded as a gratuitous personal insult and, as such, would not qualify for the enhanced protection typically afforded to political expression under Article 10 of the European Convention on Human Rights..⁸

⁸ Paragraphs 16-22, Appendix 1

Allegation 2: Rule 13

16. The Committee noted the following comments by the Commissioner in particular:

‘Having reviewed the video recordings of the meetings of the Committee for the Executive Office, it is evident that Mr Gaston has on several occasions acted in a manner that appeared to improperly interfere with the effective functioning of the Committee. A notable example occurred during the meeting on 23 October 2024, which was attended by the First Minister. On that occasion, Mr Gaston posed approximately nine questions that fell outside the remit of the Committee. Mr Gaston persisted despite multiple interventions by both the Chair and the Clerk aimed at guiding Mr Gaston back within the scope of the Committee’s responsibilities—to scrutinise the work of the Executive Office of FM and dFM. At one point, the Chair felt compelled to tell Mr Gaston that he was “badgering the witness”—in this case, the First Minister.

The questions posed by Mr Gaston clearly did not pertain to the work of the Executive Office, and as such, the Chair was fully justified—and indeed obliged—to intervene in order to uphold the rules and ensure the proper functioning of the Committee...

The Assembly’s Guide to the Role of Committee Chairpersons makes it unequivocally clear that it is the responsibility of the Chair, Ms Bradshaw, to ‘ensure that Members’ contributions are relevant to the subject under discussion and respectful to other Members and witnesses. It is for the Chairperson to advise Members that they are out of order if the point they raise is not relevant.’ That Mr Gaston persists in making this allegation despite his knowledge of the relevant protocols and procedures, and despite repeated clarifications from both the Chair and the Clerk(s) across multiple Committee meetings that Ms Bradshaw was acting fully within the scope of her duties is, in my view, an improper interference with the Assembly Committees’ functions...

It is a fact that Members on committees will occasionally ask irrelevant and out of scope questions and in such circumstances would or could be brought to order by the Chair. However, it is Mr Gaston’s persistent, repetitive undermining of the Chair and Committee protocols that, in my view, amounted to an

inappropriate interference with the Committee's functioning. It contributed significantly to a public perception of disorder, including the inaccurate and misleading claim that the Chair was obstructing legitimate scrutiny—a claim that, as Ms Bradshaw has consistently clarified, is without foundation. By persisting with behaviour which was out of order, Mr Gaston was in effect diverting the Committee from performing its proper function...

I consider that Mr Gaston acted in a way that improperly interfered with the performance of the Committee and needlessly served to impede the work and credibility of the Committee in breach of Rule 13.⁹

Rule 10

The Committee noted the reasoning for the Commissioner's finding that the respondent had also breached Rule 10 (which she identified as being engaged, in addition to the complainant's allegations), in particular that his conduct did not meet the expected standards of professionalism, courtesy, and respect required under the Northern Ireland Assembly Behaviour Code (NIABC).

17. The Commissioner's explanation of her reasoning includes the following comments:

'Rule 10 of the Code requires Members to comply with the policies of the Assembly Commission, which includes adherence to the NI Assembly Behaviour Code agreed and published by the Assembly Commission and is displayed prominently throughout Parliament Buildings. The Behaviour Code sets out clear expectations that all individuals working within Parliament Buildings should act professionally and uphold the highest standards of integrity, courtesy, and mutual respect...

Mr Gaston's conduct—particularly his repeated refusal to respect the Chair's authority, his public and in-Committee challenges to the Chair's authority and integrity, and his comment, "Take a step back. You're okay, you're okay. Breathe"—did not meet the expected standards of professionalism, courtesy, and respect.

⁹ Paragraphs 23-29, Appendix 1

*The Committee's own protocols and procedures also emphasise the importance of courtesy and respect for each other and the authority of the Chair. These internal standards reinforce the expectation that all Members should engage with one another respectfully and support the orderly and effective conduct of Committee business.*¹⁰

18. In her general observations on the complaint case, the Commissioner also commented:

*'This is not merely a case of the accepted "rough and tumble" of political life. It speaks to something more fundamental: the need for all Members to treat one another with courtesy and respect, to uphold the authority of the Chair, to recognise and adhere to the established remit and norms of the Committee...The effectiveness of the Assembly—and public confidence in it—depends on Members setting an example of respectful and responsible conduct.'*¹¹

The Committee's considerations and conclusions

19. At its meeting on 2 July 2025, the Committee received an oral briefing from the Commissioner on her investigation report and considered the respondent's written response to the Commissioner's report, in which he had disputed some of the investigation findings.
20. The Committee agreed to forward the respondent's written response to the Commissioner for a response as applicable, which can be found at **Appendix 4**.
21. The Committee further agreed to commission legal advice on various aspects of the complaint case which included, amongst other things, the considerations in relation to rules 15, 13 and 10 and the respondent's right to freedom of expression under Article 10 of the European Convention on Human Rights ('the Convention') and how (if at all) that right should inform the Committee's decision on what steps to take. The Committee was mindful that, as an organ of the

¹⁰ Paragraphs 30-33, Appendix 1

¹¹ Paragraph 36, Appendix 1

Assembly, the Committee is itself a public authority under the Human Rights Act 1998 ('HRA') which means that it has a free-standing obligation to ensure that its actions are compatible with the Convention rights.

22. The initial legal advice was considered at its meeting on 15 October 2025, and this informed the Committee's subsequent deliberation on the complaint case.
23. The Committee held an oral hearing with the respondent on 12 November 2025. During the oral hearing, Mr Gaston tabled a further written submission (**Appendix 5**) in which he raised an issue in relation to a separate complaint that he made against Ms Bradshaw in her capacity as Chairperson of the CTEO. Mr Gaston's complaint against Ms Bradshaw related to the same CTEO proceedings that were the subject of Ms Bradshaw's complaint against Mr Gaston. Mr Gaston highlighted that his complaint was however deemed inadmissible by the Commissioner.
24. The Commissioner decided that Mr Gaston's complaint was inadmissible on the basis that, under the exemption in paragraph 2.2(c) of the Code (whereby the Code does not apply to the conduct of a Member 'when acting exclusively in the capacity of any other political or public office'), complaints related to Ms Bradshaw's actions as Chairperson of the CTEO 'fall outside the scope of the Code'.
25. Mr Gaston also cited, as an inconsistent and contradictory approach, a previous case in which the same Commissioner investigated Dr Steve Aiken MLA for his conduct while chairing a committee meeting.¹² Mr Gaston argued that the Commissioner's "procedural inconsistency" means that the process is "unsound" and "unequal" and the complaint case against him "cannot safely stand".

¹² Dr Aiken was held to have breached Rule 12 by needlessly disclosing during a live-streamed meeting of the Finance Committee (of which he was chairperson) details of a complaint he had made to the Commissioner against another member and participating in the subsequent discussion that followed, which referenced the issues involved in the complaint: <https://www.niassembly.gov.uk/assembly-business/committees/2017-2022/standards-and-privileges/reports/report-on-a-complaint-against-dr-steve-aiken-obe-mla/#committee-consideration>

26. In light of Mr Gaston's comments during his oral hearing on 12 November 2025, the Committee considered whether the issue he had raised would present a barrier to it proceeding to deliberate on the complaint case before it. Based on legal advice received at the meeting, which advised on procedural fairness and that the existence of another complaint did not prevent the Committee deliberating on the complaint that was before it for consideration at the meeting, the Committee proceeded to deliberate on the complaint case before it.
27. In addition, the Committee noted that the case cited by Mr Gaston involving Dr Aiken could be differentiated from Mr Gaston's complaint about Ms Bradshaw, as it could be reasonably argued that Dr Aiken was not acting exclusively in his capacity as committee chairperson during the conduct in question in that case.
28. Further, and more significantly, Mr Gaston did not avail of his appeal rights¹³, by taking up the Commissioner's offer, should he be dissatisfied with the Commissioner's decision that his complaint was inadmissible, to refer his complaint to the Committee for further consideration. Therefore, the Commissioner's decision in relation to the admissibility of that complaint is final.
29. Had the Committee been asked to reconsider Mr Gaston's complaint, it may have decided that it was admissible on the basis that the exemption in paragraph 2.2(c) of the Code does not apply to Assembly committee chairpersons (though such a decision would have been without prejudice to the outcome of an investigation by the Commissioner into whether or not Ms Bradshaw had breached the Code).
30. At its meeting on 3 December 2025, the Committee received further legal advice and considered the general issue of whether or to what extent the Code applies to Assembly committee chairpersons, which was separate from the case under consideration. Whilst noting how the exemption in paragraph 2.2(c) of the Code could be interpreted by some as applying to Assembly committee chairpersons, this is not the position of the Committee. As such, the Committee subsequently agreed to consider whether the Code should be amended to

¹³ Under sub-paragraphs 3.13 – 3.14 of the General Procedures Direction

<https://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges-2011-2016/directions-to-assembly-commissioner-for-standards/2016-directions.pdf>

remove any potential ambiguity that the exemption in paragraph 2.2(c) does not apply to Assembly committee chairpersons. If it considers it to be necessary, the Committee will consider recommending to the Assembly that any necessary clarificatory amendments be made to the Code.

31. Returning to the instant case, the Committee considered the essential facts or elements required for a finding of a breach of rules 15, 13 or 10, as outlined below.

Rule of Conduct 15: points to prove

32. As alluded to above, Rule 15 prohibits MLAs from subjecting anyone to 'unreasonable and excessive personal attack'. The Committee had previously established, on the basis of legal advice, that the four elements of this type of misconduct are conjunctive, not disjunctive. As such, for the Committee to uphold an allegation of a breach of Rule 15, there must be an evidential basis for proving an 'attack' by the Member complained about. It must be 'personal', and the nature of that personal attack must be 'unreasonable' and 'excessive'. The necessity for each of these four elements to be substantiated for a finding of a breach of Rule 15 is notwithstanding any additional considerations in relation to the respondent's right to freedom of expression.

Rule of Conduct 13: points to prove

33. As alluded to above, Rule 13 prohibits MLAs from acting '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 and their duties'.
34. In considering the legal advice, the Committee noted that, to uphold an allegation of a breach of Rule 13, it needed to be satisfied that the following key elements of the Rule have been breached: 'improperly interferes, or is intended or is likely to improperly interfere with' and 'performance of Assembly functions/performance of a Member/or the duties of an officer/staff of the Assembly'. In terms of the first element, it is sufficient that the behaviour is likely to have this effect or alternatively that the Member intended it to have this

effect. The necessity for each of these two elements to be substantiated for a finding of a breach of Rule 13 is notwithstanding any additional considerations in relation to the respondent's right to freedom of expression.

Rule of Conduct 10: points to prove

35. As alluded to above, Rule 10 requires MLAs to 'observe and comply with...any policy, guidance or instructions of any kind approved by the Assembly, or issued by the Assembly Commission or Assembly secretariat staff on its behalf or with its authority'.
36. The Committee noted that the Assembly's Behaviour Code sets out clear expectations that all individuals working within Parliament Buildings should act professionally and uphold the highest standards of integrity, courtesy, and mutual respect. In addition, the protocols and procedures approved by Assembly committees (including by the CTEO) at the start of each mandate emphasise the importance of courtesy and respect for each other and the authority of the chairperson. Therefore, to uphold an allegation of a breach of Rule 10, the Committee would need to be satisfied that the conduct in question was unprofessional, discourteous or disrespectful.

The Convention and relevant jurisprudence

37. The Committee noted the following points arising from Article 10(1) of the Convention and related case law:
 - Everyone has the right to freedom of expression. This right shall include freedom to uphold opinions and to receive and impart information and ideas without interference by public authority.
 - It is a qualified right and is subject to such formalities, conditions and restrictions or penalties as are prescribed by law and necessary in a democratic society.

- Finding that a Member breached the Code, where applicable, could amount to a restriction on their right to freedom of expression.
- Any interference with Article 10 rights requires the closest scrutiny, particularly in a political context.
- Political and public interest is given the highest level of protection under the Convention because of its fundamental importance in a democratic society.
- The enhanced protection for political expression covers not only the substance of what is said, but also the form, tone or manner in which it is conveyed.
- In the political context, protected speech includes expression which could offend, shock or disturb (including political opinion, which could be regarded as unpopular or offensive).
- Political expression, however, does not extend to gratuitous personal comments.

38. The Committee was also clear from its legal advice that, for it to uphold a breach of the Code, the following three tests needed to be met:

- a. Whether the Committee can find, as a matter of fact, that the respondent's conduct in respect of the allegations was in breach of the Code;
- b. If so, whether that finding is in itself a *prima facie* breach of Article 10(1) of the Convention (and thus a restriction on the respondent's freedom of expression); and
- c. If so, whether the restriction arising from that finding is justified by reason of the requirements of Article 10(2) of the Convention (i.e. is it "prescribed by law and necessary in a democratic society for the protection of the reputation or rights of others?").

39. As part of its reasoning process, the Committee therefore examined each allegation separately having regard to these three tests as applicable.

Examination of the allegations

40. At its meeting on 12 November 2025, the Committee deliberated on each of the three allegations in light of: the evidence, the findings of fact and the reasoned decisions of the Commissioner, as set out in her investigation report; the written submissions by the respondent; the Commissioner's written response; the oral hearing with the respondent; and the legal advice received by the Committee. In undertaking its adjudication function, the Committee remains mindful that Members will only have been found to have breached the Code when they have breached one of the Rules of Conduct.
41. In relation to **allegation 1**, that the respondent had breached Rule 15 of the Code, to assist their consideration of the context in which the disputed behaviour took place, the Committee members viewed the video footage of the applicable CTEO proceedings. In particular, the Committee members noted that the comment from Mr Gaston occurred as part of a heated exchange he had with Ms Bradshaw at the beginning of an evidence session when Ms Bradshaw, as the CTEO Chairperson, was explaining to the Committee about a meeting that she had attended with the First Minister and others earlier that day. Mr Gaston went on to question Ms Bradshaw's impartiality in her role as Chairperson and queried whether she was "limiting their [Members] questions". When Ms Bradshaw refuted this claim, Mr Gaston interrupted her with the comment, "Take a step back. You're okay, you're okay. Breathe".
42. The Committee noted in particular the Commissioner's conclusions that Mr Gaston's directive to "breathe" was unreasonable and excessive, as it: served to undermine Ms Bradshaw's authority as Chairperson of the CTEO by implying that she was emotionally unbalanced or incapable of managing the proceedings, thereby casting doubt on her competence; can reasonably be perceived as dismissive or invalidating; and can reasonably be regarded as a gratuitous personal insult.

43. Whilst it was clear from her complaint that Ms Bradshaw felt that Mr Gaston's "breathe" comment was a personal attack on her character and her capacity to fulfil her duty as Chairperson (a view which appears to have been shared by other CETO members at the meeting), the Committee was mindful that, a determination on whether a breach has occurred must be based on the facts which were established from the evidence, including as set out in the Commissioner's investigation report and the video recording of the applicable CTEO proceedings.
44. In addition, the Committee: had regard to the legal advice which it received in relation to the considerations on allegation 1; noted the precedent case cited in the Commission's investigation report¹⁴; considered Mr Gaston's written and oral representations; noted that Ms Bradshaw did not regard Mr Gaston's apology after the CTEO meeting as a meaningful or public apology; and noted that, while offering in his written submission to apologise in writing and/or in person to Ms Bradshaw for his "breathe" comment, Mr Gaston had not accepted the Commissioner's conclusion that this was in breach of Rule 15.¹⁵
45. In weighing up the evidence and assessing the facts, the Committee agreed with the Commissioner's conclusion that Mr Gaston's "breathe" comment was an unreasonable and excessive personal attack on Ms Bradshaw, which was in breach of Rule 15. Irrespective of whether the remark was misogynistic, it was clear to the Committee that the comment, including the context in which it was made, was: 'unreasonable' in terms of being 'beyond the limits of acceptability'; 'excessive' in being 'more than is necessary, normal, or desirable'; and a 'personal attack' as it amounted to an abusive remark or severe criticism directed at an individual (i.e. Ms Bradshaw).
46. The Committee also concurred with the Commissioner's conclusion that Mr Gaston's comment amounted to gratuitous personal comment rather than political speech. In that regard, Mr Gaston's remark was made directly to Ms Bradshaw, was not related to the previous discussion about the role of the

¹⁴ <https://www.niassembly.gov.uk/assembly-business/committees/2017-2022/standards-and-privileges/reports/report-on-a-complaint-against-mr-jim-wells-mla/>

¹⁵ Appendix 3

CTEO in scrutinising witnesses, but was focused on his perception of her personal demeanour and arguably implying that she was overwhelmed in her role as Chairperson. As such, having taken all the relevant factors into consideration, the Committee agreed that the restriction on Mr Gaston's freedom of expression arising from its finding that he was in breach of Rule 15, was justified under Article 10(2) of the Convention (in terms of being necessary in a democratic society for the protection of the rights and reputation of Ms Bradshaw). **The Committee therefore concurs with the Commissioner's reasoned decision that the respondent breached Rule 15 of the Code and, as such, the Committee upholds allegation 1.**

47. In relation to **allegation 2**, that the respondent had breached Rule 13 of the Code, the Committee examined the facts established from the evidence and considered whether the abovementioned points to prove were met – in particular, whether Mr Gaston's conduct, on the balance of probabilities, amounted to improperly interfering with, or was likely to improperly interfere with, the performance by the Assembly of its functions or the performance by a Member of their duties.
48. From its legal advice on the interpretation of Rule 13, the Committee was clear that the term 'the performance by the Assembly of its functions' includes the performance by an Assembly committee of its functions and the term 'the performance by a Member...of their duties' includes the performance by an Assembly committee chairperson of their duties. On this latter point, to be an Assembly committee chairperson one must be an Assembly Member, thus the term 'Member' could include those acting as committee chairperson.
49. The Committee also noted that, while the 2015 review of the Code (which led to the introduction of Rule 13) held that, generally, Members were precluded in using the Rule as a means of challenging how committee chairpersons choose to use their discretion in carrying out their functions, it did not state that the Rule could not be used by Chairpersons to complain about Members interfering with Committee proceedings.¹⁶ In any event, the Committee was clear that the

¹⁶ 2015 Review of the Code of Conduct, paragraph 105, page 19:
<https://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges-2011-2016/report/review-of-code-of-conduct.pdf>

circumstances of the instant case would fall under the remit of the ‘performance by the Assembly of its functions’, as it took place at the beginning of an Assembly committee (i.e. CTEO) meeting.

50. Having established these points, the Committee then examined whether the respondent’s conduct or behaviour improperly interfered with, or was likely to improperly interfere with, either the performance by the CETO of its functions or the performance by the CETO Chairperson (Ms Bradshaw) of her duties.
51. In her investigation report, the Commissioner pointed out that the CTEO members were provided with the protocols relating to committee meetings on 12 February 2024, which included a ‘protocol on conduct and courtesy in committee meetings’ as well as the Assembly’s Guide to the Role of Committee Chairpersons. It is notable that the former includes a requirement to ‘Respect the authority of the Chairperson’, whilst the latter makes it clear that it is the responsibility of the Chairperson to ‘ensure that Members’ contributions are relevant to the subject under discussion and respectful to other Members and witnesses. It is for the Chairperson to advise Members that they are out of order if the point they raise is not relevant.’ The Guide also states, ‘The chairperson must ensure that order is observed in committee meetings... Chairpersons should encourage committees to agree a protocol on the conduct and operation of committees to ensure that conduct and behaviours are conducive to the effective operation of the committee.’¹⁷
52. In that regard, the Committee noted the examples cited in the Commissioner’s report of nine questions posed by Mr Gaston which fell outside the remit of the CTEO and that he persisted in this line of questioning despite multiple interventions by both the Chairperson and the Clerk, who sought to guide him back within the scope of the CTEO’s responsibilities – i.e. to scrutinise the work of TEO. The Committee also noted that Ms Bradshaw, in her role as the CTEO Chairperson, felt it necessary to advise Mr Gaston that he was “badgering the witness”.

¹⁷ Paragraph 25 and Documents 5 and 6, Appendix 1

53. In his evidence, Mr Gaston explained that he felt at the time that Ms Bradshaw was “shielding” and that his questions to the First Minister were appropriate and within scope and he maintains this view despite his knowledge of the committee’s protocols and procedures.
54. A further consideration for the Committee was the fact that, as acknowledged by the Commissioner, it is not unusual for committee members to ask irrelevant questions, where the Chairperson has to intervene to remind them to stay within scope. Also, the Committee believes that, while the role of the Chairperson is to keep the meeting focused on the subject at hand, they should afford a degree of latitude to Committee members when asking questions relevant to the subject under consideration. Besides, the Committee recognises that a degree of political bickering, hyperbole and point-scoring might occasionally be expected in committee business and should not be unnecessarily curtailed. The Committee also concurs that the Commissioner’s role should not extend to routinely policing the way in which Members choose to ask questions of Ministers and witnesses.
55. That said, the Committee was clear from the evidence, including the video recording, the Hansard record and its legal advice, that Mr Gaston asked nine questions which did not pertain to the work of TEO and that were clearly political and irrelevant and that he persisted despite repeated requests from the Chairperson and advice by officials to stay on topic. It was also clear to the Committee that Ms Bradshaw intervened in order to uphold the rules and to ensure the proper functioning of the CTEO. The Committee noted in particular the Commissioner’s conclusion that it was the respondent’s ‘*persistent, repetitive*’ undermining of the Chairperson and Committee protocols that amounted to an inappropriate interference with the performance by the CTEO of its functions.¹⁸
56. From its assessment of the evidence and the facts, the Committee concluded that the persistent, repetitive and excessive nature of Mr Gaston’s conduct meant that he crossed the threshold in terms of acting in a way which improperly interfered or was likely to improperly interfere with the performance

¹⁸ Paragraph 26, Appendix 1

by the CETO of its functions and the performance by the CETO Chairperson (Ms Bradshaw) of her duties.

57. Finally, the Committee considered whether a finding of a breach of Rule 13 would contravene Mr Gaston's Article 10 rights and, if so, whether that would be justified. The Committee was mindful that, while deliberately false and misleading statements are not afforded the protection of Article 10, some of the statements by Mr Gaston may amount to 'political speech' which is afforded enhanced protection under Article 10(1). Having taken all the relevant factors into consideration and having regard to its legal advice, the Committee agreed that interference with Mr Gaston's Article 10(1) right in this particular case would be justified under Article 10(2), as necessary in a democratic society for the protection of the rights and reputation of Ms Bradshaw and the other CTEO members. **The Committee therefore concurs with the Commissioner's reasoned decision that the respondent breached Rule 13 of the Code and, as such, the Committee upholds allegation 2.**
58. In examining whether the respondent had breached **Rule 10**, the Committee noted that the Assembly Behaviour Code is caught by the Rule as it is a policy approved and issued/published by the Assembly Commission, which sets out clear expectations that all individuals working within Parliament Buildings should act professionally and uphold the highest standards of integrity, courtesy and mutual respect.
59. The Committee also noted that the CTEO's own protocols, as alluded to above, emphasise the importance of courtesy and respect for each other as well as for the authority of the Chairperson. In that regard, the Commissioner pointed out that these internal standards reinforce the expectation that all Members should engage with one another respectfully and support the orderly and effective conduct of Committee business.
60. The above examination of the allegations in relation rules 15 and 13 has taken account of specific aspects of Mr Gaston's conduct, in terms of his "breathe" comment and his persistent disregard for the committee protocols and the authority of the Chairperson. Additionally, from its review of the evidence, including the video recording, the Committee was clear that the more general

discourtesy and disrespect which Mr Gaston displayed fell short of the professionalism and courtesy expected under the Assembly Behaviour Code and thus was in breach of Rule 10.

61. Given the particular facts of this case, in which the unprofessional behaviour and discourtesy was particularly pronounced, the Committee concluded that such interference with Mr Gaston's Article 10 right, as would be occasioned by a finding of a breach of Rule 10, would be justified and proportionate in the circumstances. **The Committee therefore concurs with the Commissioner's reasoned decision that the respondent also breached Rule 10 of the Code and, as such, the Committee upholds the Commissioner's finding.**
62. Whilst concurring with the Commissioner's finding of a breach of Rule 10, the Committee did not factor this breach into its considerations in relation to its recommended sanction, as outlined below. This is because the Committee has decided to seek Assembly approval to amend the Code to make the Assembly Behaviour Code a principle of conduct, rather than a rule of conduct (and to specifically reference the recently agreed Unacceptable Behaviours Policy in the equivalent of the current Rule 10). Therefore, while the Assembly Behaviour Code was caught by Rule 10 at the time of the conduct in question in this case, that position will not pertain going forward, subject to the Assembly agreeing the Committee's proposed amendments to the Code.

Principles of Conduct

63. As part of its deliberations, the Committee also considered the Commissioner's findings that Mr Gaston's conduct had failed to uphold several of the principles of conduct contained in the Code. The principles in question are described in the Code as follows:

Leadership: Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs (Principle 7).

Promoting Good Relations: Members should act in a way that is conducive to promoting good relations in tackling prejudice, promoting understanding and

respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability (Principle 9).

Respect: Members should show respect and consideration for others at all times (Principle 10).

Good Working Relationships: Members should work responsibly with other Members of the Assembly for the benefit of the whole community. Members' working relationships with Assembly staff should at all times be professional, courteous and based on mutual respect (Principle 11).

64. The Commissioner also highlighted paragraph 3.1 of the Code where it states that:

*'Member should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly...'*¹⁹

65. In her investigation report, the Commissioner explained that Mr Gaston's *'repeated failure to respect the authority of the Chair in matters concerning the Committee's remit, his continued assertions alleging that the Chair was shielding witnesses without substantiated basis, and his ill-judged "breathe" comment'* did not reflect the aforementioned principles of conduct and *'fell below the standards of behaviour expected under the Code'*.²⁰

66. **The Committee agrees with the Commissioner's findings that Mr Gaston's conduct was inconsistent with the abovementioned principles of conduct and notes how the complaint case highlights the importance of all Members observing the principles of conduct**, while the Committee recognises that the principles are not themselves enforceable.

Sanctions

¹⁹ The Code, paragraph 3.1, page 5 <https://www.niassembly.gov.uk/your-mlas/code-of-conduct/the-code-of-conduct-and-the-guide-to-the-rules-as-amended-on-23-march-2021/>

²⁰ Paragraph 35, Appendix 1

67. In light of its findings that Mr Gaston breached the Code, the Committee considered whether the conduct warranted that a recommendation be made to the Assembly that a sanction be imposed under Standing Order 69B. Such sanctions may include, but are not limited to:
- A requirement that the member apologise to the Assembly;
 - Censure of the member by the Assembly;
 - Exclusion of the member from proceedings of the Assembly for a specified period; and
 - Withdrawal of any of the member's rights and privileges (including salary and allowances) as a member for that period.
68. The Committee is clear that whether any sanction which is recommended should be imposed, or whether some other sanction (or none) should be imposed, is a matter to be determined by the Assembly in plenary.
69. The Committee deliberated on what sanction it could recommended to the Assembly, which would be proportionate and appropriate, bearing in mind all of the circumstances of the case, and justified under Article 10(2) of the Convention. In that regard, the Committee had regard to: the specific circumstances of the case (including that Mr Gaston's conduct took place in a public session of a committee and therefore his statements could reach a wide audience and have reputational consequences on Ms Bradshaw); the particular nature of the breaches of rules 15 and 13; the fact that the respondent had not accepted that he had breached the Code (though he had offered to apologise in writing and/or in person to Ms Bradshaw for his "breathe" comment); and legal advice which the Committee received on the matter. In addition, with a view to maintaining a fair and consistent approach across breach cases, the Committee noted the sanctions recommended in similar precedent cases.²¹
70. Having concluded its deliberations, **the Committee believes that the circumstances of the case warrant a recommendation of a sanction to the**

²¹ See the example, in [May 2024](#), of Dr Steve Aiken MLA being excluded from Assembly proceedings for 2 sitting days for breaching rules 12 and 16.

Assembly, as provided for under Standing Order 69B, for the exclusion of Mr Gaston from Assembly proceedings for a period of two sitting days.

71. Finally, the Committee wishes to take the opportunity of this complaint case to highlight that **it is vitally important that all Members respect the authority of Assembly committee chairpersons and uphold the rules and protocols which ensure the proper functioning of Assembly committees.**

Links to Appendices

Appendix 1: The Commissioner for Standards Report on a complaint against Mr Timothy Gaston MLA

[View the Commissioner for Standards Report on a complaint against Mr Timothy Gaston MLA](#)

Appendix 2: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 3: Written submission from Mr Timothy Gaston MLA

[View the written submission from Mr Timothy Gaston MLA](#)

Appendix 4: Written response from the Commissioner

[View the written submission from the Commissioner for Standards](#)

Appendix 5: Further written submission from Mr Timothy Gaston MLA

[View the further written submission from Mr Timothy Gaston MLA](#)

Appendix 6: Additional written submission from Mr Timothy Gaston MLA

[View the additional written submission from Mr Timothy Gaston MLA](#)

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