

COMMITTEE ON STANDARDS AND PRIVILEGES

Report on a Complaint by  
Mr Declan O'Loan MLA against  
Mr Ian Paisley Jnr MLA

TOGETHER WITH THE REPORT OF THE INTERIM COMMISSIONER FOR STANDARDS,  
LETTER OF COMPLAINT AND MINUTES OF PROCEEDINGS OF THE COMMITTEE  
RELATING TO THE REPORT

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# Membership and Powers

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

Mrs Carmel Hanna, Chairperson  
Mr Willie Clarke, Deputy Chairperson <sup>1</sup>  
Mr Allan Bresland  
Mr Francie Brolly  
Rev Dr Robert Coulter  
Mr Jonathan Craig <sup>2</sup>  
Mr David Hilditch  
Mr Paul Maskey <sup>3 4</sup>  
Mr Alastair Ross <sup>5</sup>  
Mr George Savage  
Mr Brian Wilson
5. The Report and evidence of the Committee are published by the Stationery Office by order of the Committee. All publications of the Committee are posted on the Assembly's website: ([www.niassembly.gov.uk](http://www.niassembly.gov.uk).)
6. All correspondence should be addressed to the Clerk to the Committee on Standards and Privileges, Committee Office, Northern Ireland Assembly, Room 284, Parliament Buildings, Stormont, Belfast BT4 3XX. Tel: 02890 520333; Fax: 02890 525917; e-mail: [committee.standards&privileges@niassembly.gov.uk](mailto:committee.standards&privileges@niassembly.gov.uk)

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<sup>1</sup> Mr Clarke replaced Mr McHugh as Deputy Chairperson with effect from 21st January 2008.

<sup>2</sup> Mr Jonathan Craig replaced Mr Alex Easton as a Member of the Committee with effect from 15 September 2008.

<sup>3</sup> Mrs McGill replaced Mr McHugh as a Member of the Committee with effect from 28th January 2008.

<sup>4</sup> Mr Maskey replaced Mrs McGill as a Member of the Committee with effect from 20 May 2008.

<sup>5</sup> Mr Ross replaced Mr Adrian McQuillan as a Member of the Committee with effect from 29th May 2007.



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# Fourth Report

## The Committee on Standards and Privileges has agreed to the following Report:

### Complaint Against Mr Ian Paisley Jnr MLA

1. The Committee on Standards and Privileges has considered a report by the Interim Assembly Commissioner for Standards (the Interim Commissioner) on a complaint by Mr Declan O'Loan MLA against Mr Ian Paisley Jnr MLA. The report of the Interim Commissioner and the complaint by Mr O'Loan are appended to this report.
2. The complaint raised some complex issues and the Committee is grateful to the Interim Commissioner for his investigation into it and for his report.
3. Although Mr O'Loan's complaint set out a number of different points and comments, in essence his complaint against Mr Paisley Jnr comprised of four distinct aspects:
  - That Mr Paisley Jnr had failed to register as an interest the extent of his degree of involvement with Mr Seymour Sweeney;
  - That Mr Paisley Jnr had failed to enter in the Register of Members' Interests a shareholding in Ballyallaght Management Ltd;
  - That Mr Paisley Jnr had failed to enter in the Register of Members' Interests the fact that his father in law, Mr James Currie, had become the sole Director of Sarcon 250 Ltd (Sarcon 250) to which he paid rent in respect of his constituency office at 9/11 Church Street Ballymena; and
  - That the amount that Mr Paisley Jnr claimed in rent for the constituency office at 9/11 Church Street Ballymena was excessive.
4. The Interim Commissioner considered each of these separate aspects of Mr O'Loan's complaint against the requirement for Members as set out in the Northern Ireland Assembly's Code of Conduct together with the Guide to the Rules relating to the Conduct of Members. Mr O'Loan's complaint also referred in part to Dr Paisley MP MLA. The Interim Commissioner decided to treat the aspects of the complaint against Dr Paisley as a distinct investigation and the Committee will therefore report on that investigation separately at a later date.
5. In addition to considering each of these aspects, the Interim Commissioner, in the course of his investigation, also identified a number of issues which he believed warranted urgent review from the appropriate authorities within the Assembly. These issues, which are not exclusive to the circumstances of this particular complaint and could potentially affect any Assembly Member, are addressed by the Committee separately at the end of this report.

**Allegation that Mr Paisley Jnr had failed to register as an interest the extent of his degree of involvement with Mr Seymour Sweeney.**

6. Mr O'Loan set out in his complaint a variety of interactions that Mr Paisley Jnr had with Mr Sweeney. He stated that Mr Paisley Jnr had lobbied on a number of different issues (which were either directly on Mr Sweeney's behalf, or which had the potential to benefit Mr Sweeney). He said that Mr Paisley Jnr had bought a holiday home from Mr Sweeney. He said that Mr Sweeney had been the sole Director of Sarcon 250, the company which owns Mr Paisley Jnr's constituency office. He also said that Mr Sweeney was a member of the Democratic Unionist Party in North Antrim and alluded to a social relationship between Mr Paisley Jnr and Mr Sweeney. Given the extent of these interactions, Mr O'Loan believed that the public would regard the relationship as having the potential to be thought by others to influence Mr Paisley Jnr.
7. The Interim Commissioner considered these points and concluded that the frequency and extent of the relationship between Mr Paisley Jnr and Mr Sweeney was such as to establish a close association. The Interim Commissioner concluded that the relationship included recreational, social and political contacts together with property dealings. In particular, the Interim Commissioner felt it particularly relevant to highlight that Mr Sweeney was the sole shareholder of Sarcon 250 (as well as being the sole Director) during the period when Mr Paisley Jnr negotiated his lease.
8. It is important to note that the Interim Commissioner confirmed to the Committee that none of Mr Paisley Jnr's interactions with Mr Sweeney provided Mr Paisley Jnr with any financial or other material benefit. The Committee is satisfied that, in this regard, none of Mr Paisley Jnr's interactions with or on behalf of Mr Sweeney constituted a breach of the Code of Conduct.
9. The Interim Commissioner considered the relationship between Mr Paisley Jnr and Mr Sweeney against the requirements in Category 11 of the Guide to the Rules relating to the Conduct of Members. Category 11 requires Members, inter alia, to register unremunerated interests which they hold which might reasonably be thought by others to influence their actions as Members in a similar way to a remunerated interest. Having applied this test to the circumstances in question, the Interim Commissioner concluded that Mr Paisley Jnr should have registered his relationship with Mr Sweeney as an interest.
10. The Committee gave careful consideration to the allegation and to the Interim Commissioner's analysis and conclusion. While some Committee members agreed with the Interim Commissioner's conclusion, others felt that requiring Members to register all relationships such as that between Mr Paisley Jnr and Mr Sweeney was impractical and unreasonable, particularly as it had been established that Mr Paisley Jnr did not gain financially from the relationship. When the Committee could not reach consensus on this issue a motion was put that the Committee should agree with the Interim Commissioner's conclusion on this issue. This motion was defeated by 6 votes to 5. The Committee therefore did not agree with the Interim Commissioner's conclusion and found that Mr Paisley Jnr was not obliged to register his relationship with Mr Sweeney. This aspect to Mr O'Loan's complaint is therefore not upheld.

**Allegation that Mr Paisley Jnr had failed to enter in the Register of Members' Interests a shareholding in Ballyallaght Management Ltd.**

11. Mr O'Loan provided a copy of the annual return to the Companies Registry of Ballyallaght Management Co Ltd which listed Mr Paisley Jnr as a shareholder. Mr O'Loan pointed out that Mr Paisley Jnr had not registered this shareholding in the Register of Members' Interests. Members are required to register interests in shareholdings held by the Member, either personally, or with or on behalf of the Member's partner or dependent children, in any public or private company or other body which are:
  - (a) greater than 1 percent of the issued share capital of the company or body; or
  - (b) less than 1 percent of the issued share capital but more than £25,000 in nominal value.



12. The Interim Commissioner confirmed that the copy of the annual return of Ballyallaght Management Co Ltd to the Companies Registry, dated 26 March 2007, records a total of 14 shares with a share capital of £14.00, and lists Mr Paisley Jnr and his wife as holding one share which represented some seven per cent of the issued share capital of the company. However, the Interim Commissioner also pointed out that Ballyallaght Management Company was simply a company established to ensure the proper maintenance and orderly running of the Ballyallaght development where Mr Paisley Jnr has a home. The shareholding would not provide Mr Paisley Jnr with any pecuniary or material benefit. The Interim Commissioner concluded, therefore, that this shareholding would not come within the intent of the Register of Members' Interests.
13. The Committee agrees with this conclusion and therefore this aspect of Mr O'Loan's complaint is also not upheld.

**Allegation that Mr Paisley Jnr had failed to enter in the Register of Members' Interests the fact that his father in law, Mr James Currie, had become the sole Director of Sarcon 250 to which he paid rent in respect of his constituency office at 9/11 Church Street Ballymena.**

14. Mr O'Loan claimed that Mr Paisley Jnr should have registered the fact that his father in law, Mr James Currie, had become the sole Director of Sarcon 250, the company which Ian Paisley Jnr paid rent to in respect of his constituency office.
15. The Interim Commissioner investigated the issue of who was a beneficiary shareholder and who was a director in Sarcon 250. He established that Mr Currie had for a period been a Director of Sarcon 250 and it appears that he continues to be the sole shareholder. While the Interim Commissioner felt that there was no requirement to register the fact that Mr Currie had been a Director of Sarcon 250, he did feel that Mr Paisley Jnr should have registered the fact that Mr Currie was the sole shareholder.
16. The Committee agrees with this conclusion. Mr Currie is a family member of Mr Paisley who, it appears, is the beneficial shareholder of a company that is accruing a capital benefit when Mr Paisley's Jnr's rental payments service the company's bank loan. This part of the complaint is therefore upheld and Mr Paisley Jnr should register this relationship immediately as an interest under Category 11.
17. The Committee noted that the Interim Commissioner made the distinction between a deliberate attempt to avoid registration and a failure to recognise that a registrable interest had been created. The Interim Commissioner also pointed out that the requirements of Category 11 might not readily be taken by others as having as wide an application as he has interpreted.
18. The Committee will shortly be bringing a revised Code of Conduct to the Assembly for approval. The new Code will make explicit the requirement for Members to register family members who are paid from or benefit in any other way from Office Cost Allowance. This is without prejudice, of course, to any future amendments to the rules governing Office Cost Allowance and family members.

**Allegation that the amount that Mr Paisley Jnr claimed in rent for the constituency office at 9/11 Church Street Ballymena was excessive.**

19. The final aspect of Mr O'Loan's complaint was that the amount Mr Paisley Jnr had claimed for his constituency office was excessive. Further to figures released in a Freedom of Information request, Mr O'Loan claimed that Mr Paisley Jnr had claimed £31,250 from the Assembly in respect of rent for his constituency office at 9/11 Church Street Ballymena and that a similar claim had been made by Dr Paisley, making a total claim of £62,500 per annum for the office.
20. The Interim Commissioner established that although the figure of £62,500 per annum was the amount as stated in the copy lease dated July 2007 held in the Assembly's Finance Division's records, the annualised figure derived from the quarterly claim made by Sarcon 250's solicitors in August 2007 was actually £57,200 per annum.

21. Mr Paisley Jnr provided the Interim Commissioner with a professional property valuation report on the office from June 2007 which referred to the initial rent as being £42,500 per annum and a further professional property valuation report from October 2008 which indicated a then current rent value of £52,750 per annum.
22. The Interim Commissioner asked the Commissioner for Valuation to provide him with an independent assessment of the amount of rent which the premises might attract. The Commissioner for Valuation advised that, assuming the property was held under a full repairing and insuring lease with the tenant being responsible for all outgoings, the market rent which might reasonably be expected to be paid would be towards the upper end of the range £26,000 to £30,000 per annum. This was also based on the premise that the lessee would pay only the market rent and invest their own capital to fit out the premises as they consider necessary.
23. Having been advised of the circumstances relating to Mr Paisley Jnr's arrangements, the Commissioner for Valuation advised that what was being claimed was essentially the economic cost of having the required accommodation provided by the landlord. The amount being claimed was effectively the basic market rent plus an annual amount to reflect the cost of fitting out the premises. This was an understandable arrangement in commercial terms as the landlord needed a return on this element of his capital investment. The Interim Commissioner advised the Committee that he had observed on his visit to the office that it was fitted out to a very high standard.
24. Based on the figures that he had obtained, the Interim Commissioner concluded that the amount being claimed is significantly in excess of what might be regarded as normal market rent although he pointed out that the rental arrangement is understandable in commercial terms.
25. The Interim Commissioner then had to consider whether claiming in excess of the normal market rent was inconsistent with the guidelines on the use of Office Cost Allowance, set out in the Members' Financial Services Handbook. As the current rules governing the use of the Office Cost Allowance for the provision of constituency offices places no limit on the level of rent which can be reimbursed within the overall maximum figure of £72,000 per annum, nor makes any requirement for a professional valuation to be obtained by the Member, the Interim Commissioner concluded that in this regard Mr Paisley Jnr had not broken any rules.
26. The Interim Commissioner also noted that the rules on Office Cost Allowance state that:
  - it is not permissible for Members to rent properties which they themselves own; and
  - the allowance may not be used for the purchase of property to be used as a constituency office.The Interim Commissioner said that the evidence available to him indicated that Mr Paisley Jnr neither owned the premises nor was the property being purchased by him.
27. The Interim Commissioner also specifically considered Mr Paisley Jnr's arrangement whereby his rent claimed under the Office Cost Allowance is being paid to service Sarcon 250's bank loan, particularly where the purpose of Sarcon 250 is to purchase property for the long term provision of constituency accommodation for the Democratic Unionist Party representatives in the North Antrim constituency. The Interim Commissioner advised the Committee that the Director of Resources in the Assembly had indicated that this arrangement does not breach the rules currently operated by the Assembly for the claiming of Office Cost Allowance for the provision of constituency offices.
28. The Committee considered the Interim Commissioner's conclusions. The Committee agreed that the amount claimed for rent is significantly in excess of what might be regarded as a normal market rent. However, as the Interim Commissioner has advised that there is no limit to the level of rent that can be claimed within the overall total for Office Cost Allowance, and that Mr Paisley Jnr has therefore not broken any rules, the Committee considers that he has not breached the Code of Conduct. The Committee also noted that the Commissioner for Valuation had advised that the rental arrangement which obtains is

understandable in commercial terms as the landlord needed a return on this element of his capital investment. This aspect to the complaint is therefore not upheld.

**Further issues identified by the Interim Commissioner**

29. Having considered the investigation into the complaint against Mr Paisley Jnr, the Committee then went on to consider the more general issues that the Interim Commissioner had identified which relate to the Assembly's rules governing the use of Office Cost Allowance. These issues could potentially affect any Member of the Assembly.
30. In particular the Interim Commissioner recommended that the level of rent claimed for any constituency accommodation should be underpinned either by an independent professional valuation of the premises or should be determined by the Commissioner for Valuation, as generally occurs with all other accommodation leased by public bodies.
31. The Interim Commissioner went on to consider the ambiguity concerning the rules prohibiting the use of the Office Cost Allowance to purchase property. The Interim Commissioner has pointed out that the rules do not prohibit a Member renting accommodation from a relative, who effectively uses the rental income provided through the Office Cost Allowance to purchase the property; nor do they prohibit the Office Cost Allowance being used to create a property asset for a political party.
32. A further point was that there needed to be clearer rules on the apportionment of costs; firstly, in circumstances where Members share constituency accommodation; and secondly, in circumstances where a Member is also an elected representative of another institution where office accommodation costs can also be claimed.
33. The Committee agrees that these issues warrant urgent review in the interests of public accountability and securing public confidence. It is not within the Committee's remit to rewrite the rules on Office Cost Allowance. However, the Committee does have a role in identifying shortcomings in existing guidance, especially where those shortcomings mean that Members' conduct could be called into question. The Committee therefore believes that it is essential for the integrity of the Assembly that the rules governing the use of Office Cost Allowance are reviewed urgently to take account of the issues raised by the Interim Commissioner.
34. The Committee has therefore written to the Assembly Commission to urge that this be done as soon as possible. In doing so, the Committee is aware that the Commission is already considering some of these issues as a result of the recent report of the Review Body on Senior Salaries (their report no. 67 refers). The Committee welcomes the fact that the Commission is considering the SSRB's recommendations and believes that the Commission should report on the outcome of its consideration on these issues and the further issues identified by the Interim Commissioner as soon as possible.



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**Appendix 1**

**Report by the Interim  
Assembly Commissioner  
for Standards**

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# Covering Letter from Interim Commissioner

**ASSEMBLY OMBUDSMAN**  
For Northern Ireland

Our Ref:- S1/08

23rd April 2009

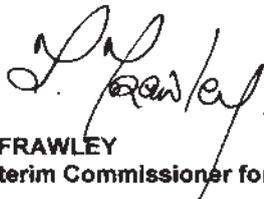
Mrs Carmel Hanna MLA  
Chair  
Committee on Standards and Privileges  
Northern Ireland Assembly  
Parliament Buildings  
Stormont  
BELFAST  
BT4 3XX

Dear *Mrs. Hanna,*

I enclose my report to the Committee in respect of the complaint by Mr Declan O'Loan MLA against Mr Ian Paisley Jnr MLA.

I am happy to discuss my views on the case with the Committee if it so wishes.

Yours sincerely



**T FRAWLEY**  
Interim Commissioner for Standards

Enc.

**Report**  
**to the**  
**Committee on Standards and**  
**Privileges**  
**of the**  
**Northern Ireland Assembly**  
**on a complaint**  
**From Mr Declan O'Loan MLA**  
**Against Mr Ian Paisley Jnr MLA**

**April 2009**



## **Role of the Interim Commissioner for Standards**

1. I have prepared this report in my role as the Interim Commissioner for Standards of the Northern Ireland Assembly. In this role I consider any matter relating to the conduct of Members of the Assembly referred to me by the Clerk of the Committee on Standards and Privileges, including specific complaints in relation to alleged breaches of the Code of Conduct which have been submitted to the Clerk. The Code of Conduct provides advice and guidance to Members on the standards that should inform their conduct and influence their approach to their Assembly duties.

In the role of Interim Commissioner I have been asked to examine a complaint made by Mr Declan O’Loan MLA against Mr Ian Paisley Jnr MLA.

My responsibility is to carry out an independent investigation of the complaint and present my findings to the Committee on Standards and Privileges. Any decision or action beyond my investigation is a matter for the Committee.

## **The Complaint**

2. In his complaint Mr O’Loan set out a series of points and comments which comprise his complaint against Mr Paisley Jnr. After careful consideration of Mr O’Loan’s submission I identified four aspects of the complaint that would be the focus of my investigation:
  - a. That Mr Paisley Jnr had failed to register as an interest the extent of his degree of involvement with Mr Seymour Sweeney. In support of his contention that Mr Paisley Jnr had a registrable degree of involvement with Mr Sweeney, Mr O’Loan cited the following:

- The extent to which Mr Paisley Jnr made representations to the Minister for Social Development in respect of the sale of lands at Ballee, Ballymena. He referred to a report by Martina Purdy on the BBC website, dated 7 December 2007 in which Mr Paisley Jnr was quoted as confirming that in the course of the events he had contact with Mr Sweeney who was one of a number of businessmen involved with the matter.
- That Mr Paisley Jnr lobbied on behalf of the planning application in respect of the Ballyallaght development which was approved only after a Ministerial decision.
- Mr Paisley Jnr had purchased a second home at Ballyallaght Farm Cottages from Mr Sweeney.
- That Mr Paisley Jnr lobbied very strongly and repeatedly for Mr Sweeney's proposal for a Visitors Centre at the Giants Causeway.
- That Mr Paisley Jnr signed a letter on behalf of Dr Ian Paisley to the Heritage Lottery Board protesting about Mr Sweeney being refused a grant for his proposed Visitors Centre at the Giants Causeway.
- That Mr Paisley Jnr lobbied the Fisheries Conservancy Board in support of a salmon-netting licence application by a sea fisherman whose crew included Mr Sweeney.
- That a published photograph shows Mr Paisley Jnr and Dr Paisley with Mr Sweeney in an informal group "smiling and evidently at ease in each other's company".
- That Mr Paisley Jnr had been out lobster fishing with Mr Sweeney.
- That Mr Sweeney was a member of the Democratic Unionist Party.
- That the constituency office at 9/11 Church Street Ballymena used by Mr Paisley Jnr is in premises owned by Sarcon 250 Ltd of which Mr Sweeney was the sole Director when the company was established in May 2007.

- b. That Mr Paisley Jnr had failed to enter in the Register of Members Interests a shareholding in Ballyallaght Management Ltd.

**In support of this point Mr O'Loan provided a copy of the annual return to the Companies Registry of Ballyallaght Management Co Ltd listing Mr and Mrs Paisley as shareholders.**

- c. That Mr Paisley Jnr had failed to enter in the Register of Members Interests the fact that his father in law, Mr James Curry, was now the sole Director of Sarcon 250 Ltd to which he paid rent in respect of his constituency office at 9/11 Church Street Ballymena.
- d. That Mr Paisley Jnr had claimed £31,250 from the Assembly in respect of rent for his constituency office at 9/11 Church Street Ballymena and that a similar claim had been made by Dr Paisley. Based on Mr O'Loan's experience of office rental costs in Ballymena he regarded the rent claimed for the property to be excessive.

### **The Code and Guide**

3. **Under a Resolution agreed by the Assembly on 14 December 1999, and the related Code of Conduct, Members are required to register pecuniary interests or other material benefit which a Member receives in a Register of Members' Interests. The provision for such arrangements is contained in Section 43 of the Northern Ireland Act 1998 and, in particular sub-sections (1) to (4). Sub-section (6) of the legislation further provides that any Member of the Assembly who, inter-alia, takes part in any proceedings of the Assembly without having complied with, or in contravention of any provision made in pursuance of sub-sections (1) to (3), shall be guilty of an offence.**

**4. The Guide to the Rules relating to the Conduct of Members, at paragraph 9, under the heading “Definition of the Register’s Purpose”, states,**

“The main purpose of the Register of Members’ Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his capacity as a Member of the Northern Ireland Assembly. Provision is also made for the registration of relevant non-pecuniary interests. The registration form specifies eleven Categories of registrable interests which are described below\*. Apart from the specific rules, there is a more general obligation upon Members to keep the overall definition of the Register’s purpose in mind when registering their interests.”

**\* The eleven categories are set out in paragraphs 14 to 33 of the Guide to the Rules.**

## **Conduct of the Investigation**

**5. I wrote to Mr Paisley Jnr inviting him to comment on the points made by Mr O’Loan in his complaint. In his reply Mr Paisley Jnr stated :**

1. Mr Sweeney is a constituent, of which there are many, who came to me for assistance. I am obliged to register any interest that could reasonably be considered as affecting how I act in the House, or act as a public representative. Mr Sweeney receives no more and no less support and assistance than any other constituent who comes to me seeking assistance.
  - BBC report carries some quotes from me; Mr Sweeney is one of several businessmen in my constituency involved in the Ballee land sale. I did meet with DSD Minister about this matter in her office on the basis of a constituency enquiry a matter I am sure she will be willing to confirm to you. I have had numerous correspondences with the Minister about the

matter.

- My purchase of a property at Ballyallaght is subject to an ongoing investigation and does not require further explanation here.
- I lobbied for several planning applications in the vicinity of Ballyallaght including the case of Mr X my neighbour who owns a number of unoccupied buildings adjacent to my home. I understand from the same media reports a number of MLA's from different parties as well as the local Council took the same view as I did to support his and other applications.
- I support a private sector tourism solution at the Causeway and support Mr Sweeney's planning application there. Indeed I put this in my election manifesto and obviously received votes for doing so. It remains my view that only via a public-private partnership will a final solution actually be achieved at the Causeway.
- I complained to the Heritage Lottery that the proposal was not being given adequate support from that body. Part of my job is to make representations and this is an example of a representation made.
- I supported a salmon drift net licence application by a Mr Y unrelated to Mr Sweeney. I was asked to do so by Mr Y and made successful representations for him.
- I have been photographed on many occasions in many different circumstances.

The photograph in question I believe was taken during the 2007 general election campaign whilst in Bushmills canvassing for support. A wider angle of the photograph in question will reveal the local station PSNI officer, other election helpers and members of the public in the vicinity. I've nothing to hide being photographed with any of my constituents and seeing those photographs published. They were widely published at the time of the election campaign. I have no idea what this aspect of the complaint is about and cannot give any explanation as to why I am at ease in people's company.

- I have never been lobster fishing with Mr Sweeney as

alleged in this report. I have been fishing along the North Antrim Coast on many occasions since a boy. I was part of a fishing expedition with the now deceased acquaintance Mr Z who took me fishing with his crew. Mr Sweeney and his brother were present on one of those occasions as able seamen who could master a boat in the sometimes hostile waters along the North Coast. To portray this in the way it has been portrayed by the press is simply gossip.

- Mr Sweeney has confirmed he is a long time member of the DUP. There are several hundred members of the party in North Antrim.
  - Sarcon 250 does own my constituency office. Mr Sweeney was for a short period of time the sole director of that company. I commenced occupancy of the building as a tenant in August 2007. Shortly afterwards Mr Sweeney resigned his directorship.
2. Ballyallaght Management Company has never met. It offers me no benefit whatsoever and is solely concerned with the management and upkeep of the shared public spaces at my home i.e. grass cutting and window cleaning. This has no impact on how I behave or could influence me in any way as a public representative. In fact, registering an irrelevance would only draw attention to questions about its possible influence.
  3. Sarcon 250 owns my constituency office. My father-in-law is the director of that company. He makes no personal gain from this role and I make no gain from him. It cannot therefore influence how I act as a Member of the House. This can be registered if thought appropriate I have no difficulty with this request. However, my father-in-law has indicated his retirement from the post which is soon to be registered with another individual unrelated to me but a member of the DUP.
  4. All claims for office rent have been made directly with the Assembly finance office and paid directly to the Sarcon 250. Rent was calculated by professional agents and reflected the market value and conditions. I am not aware of Mr O'Loan being an expert commercial estate agent or having anything resembling a professional knowledge of business rental arrangements in the constituency. I hardly could be expected to accept his opinion as the basis upon which rental agreements in the town are formed, I

suggest his experience is extremely limited. My rental agreement is registered with the Assembly Finance Office. It is a professional agreement based upon market values not Mr O'Loan's limited experience.

#### NOTES

1. **Mr Paisley Jnr identified all the individuals whom he referred to in his reply to me however I consider it appropriate to anonymise these individuals and refer to them simply as Messrs X,Y, and Z.**
2. **Mr Paisley Jnr refers in his reply to an investigation of the purchase of the property at Ballyallaght. This investigation, which arose from a complaint from another person, has been completed and a report submitted to the Committee. The complaint giving rise to the investigation was not upheld by the Committee.**

6.1 Having considered the information provided by Mr Paisley Jnr concerning the constituency office at 9/11 Church Street Ballymena (complaint (d) in paragraph 2) , I sought his comments on the following points.

1. Was Mr O'Loan correct in respect of the amount claimed.
2. What did the amount cover.
3. What was the basis for the amount claimed ie fitting out costs covered by the Democratic Unionist Party, himself or completed to occupation standard by landlord.
4. Could he provide me with a copy of the rental valuation advice he received from the 'professional agents' he referred to in his initial response.
5. Did he or any family member have, or had, any beneficial interest in Sarcon 250 Ltd.

6.2 In his reply to these points Mr Paisley Jnr stated :

1. No he is wrong. The rent claimed last year was £21K approx. The rent to be claimed this incoming year if completed will be £28K approx.
2. The use of office space, parking facility, canteen and catering, use of public meeting space whenever required.
3. I part furnished and decorated the office to my taste. Some of this

was paid for by me personally, some paid for by the DUP. Desks and chairs for the office staff was paid for by my OCA ( Office Cost Allowance).

4. Please contact me to view it.
5. None.

**7. I made arrangements to meet Mr Paisley Jnr to visit the premises at 9/11 Church Street Ballymena and examine the responses referred to in paragraph 6.2 that he had submitted to me. We met at his constituency office on 23 October 2008.**

1. Mr Paisley said he considered Members were under no obligation to obtain a professional valuation for property rented for constituency office purposes. In the event he had a copy of a professional valuation of the property which had been prepared for the purposes of supporting an application to the bank for funds to purchase the property. That valuation, dated June 2007, referred to the initial rent as being £42,000 per annum based on a 20 year full repairing lease. The lease provided for 5 yearly rent reviews. In preparation for the meeting he had obtained an up to date rental estimate which indicated a current rent value of £52,750 pa. Mr Paisley provided me with copies of both documents.
2. Mr Paisley identified the valuer who was a Principal in an established firm of Estate Agents within Northern Ireland. He said that he wanted the firm's identity kept confidential as he considered that it should be protected from being drawn into a wrangle which had been caused by Mr O'Loan's complaint. He felt strongly about this point particularly as he considered the complaint unjustified and politically motivated.
3. Mr Paisley then explained that the property was owned by Sarcon 250 Ltd which had been set up to hold the property in trust, in perpetuity, for the purposes of providing constituency accommodation for the DUP. The Director had been his father-in-law who had recently relinquished the responsibility. The current Director was a Mr Samuel Hanna who was Chair of the Bannside district of the Constituency Association. The company did not make a profit and the rental actually charged was that necessary to service the bank loan used to purchase the property. There was no beneficial shareholder in the company which could not make a



profit. The amount claimed would actually reduce if interest rates were lowered.

He and his father had decided to adopt this approach to provision of the accommodation rather than rent premises from family members as he was aware other Members of the Assembly do. Mr Sweeney, who was a long standing member of the DUP, had advised on the purchase and adaptation of the premises.

4. The accommodation comprises:
  - A downstairs reception waiting area for visitors with seating for about ten people.
  - A downstairs office area for reception and constituency staff
  - Three downstairs offices to facilitate discussions with constituents and visitors. One is occupied by a constituency staff member, one is occupied by Mr Paisley Jnr and a third is available for use by Dr Paisley or other meetings of up to four people.
  - A downstairs storage room.
  - A downstairs staff facilities room.
  - Upstairs a small room could accommodate meetings of up to ten/twelve people eg meetings with public officials and also small constituency groups.
  - Upstairs a large open area for bigger meetings or presentations with community groups and other representative associations.
  - Outside an enclosed yard area with car parking space for three or four cars, an oil tank and a boiler house.
5. Mr Paisley also explained that as the Democratic Unionist Party used the large upstairs area for some Association business it was considering making a contribution of £25,000 towards the overall cost of the accommodation.
6. I asked about the possibility of the Land and Property Service providing an independent valuation of the property. Mr Paisley said this might be perceived as a questioning of the professional competence of the valuer who had already provided advice. However he suggested the LPS had details of the property as the rates had recently been revised. If it was considered necessary to provide the Committee with another valuation he believed the LPS had sufficient information to deal with the matter without the need for them to make a further visit to the premises.

7. Mr Paisley indicated that he dealt with all Dr Paisley's claims for Office Costs. He confirmed that Dr Paisley had separate premises at Ravenhill Road Belfast which were charged to Westminster. No charge for rent or rates for the Ballymena premises were made to Westminster which operated a different Office Cost regime. Dr Paisley used the Ballymena premises and also those in Bushmills from time to time.

**8.1 I had noted that in his written response to the complaint Mr Paisley Jnr stated he had claimed some £10,000 less in respect of the rental of the premises than the amount alleged by Mr O'Loan. I also noted that Mr O'Loan stated his information was based on a Freedom of Information request. I therefore decided I should make direct enquiries from the Assembly authorities in respect of the amounts claimed in relation to the 9/11 Church Street accommodation under the Office Cost Allowance arrangements of the Assembly.**

**8.2 I discussed the claims with the Assembly's Director General and the Director of Resources. The latter explained that the amount and the items for which Members can claim under the Office Cost Allowance scheme are set out in the Members Financial Services Handbook. He explained he had examined the claims in respect of 9/11 Church Street and that he was satisfied the claims made by Dr Paisley and Mr Paisley Jnr were in compliance with the Handbook. There had been a query about a claim for some furniture but this matter had now been resolved.**

He confirmed that there was nothing in the figures that related to Dr Paisley's office at Ravenhill Road or the office used by Mr Paisley Jnr in Bushmills or his previous office at Hill Street, Ballymena.

I asked about the difference between the amount of rent referred to by Mr O'Loan who claimed to be quoting from the response to a Freedom of Information (FOI) query and the amounts detailed by Dr Paisley and Mr Paisley Jnr. The Director said that the FOI query had been in respect of the rent of all constituency offices. The response had cited the amounts stated in the copies of the leases submitted by Members, in this case £62,500. Actual claims could differ if for some reason a Member chose not to claim the full amount provided for in the lease.

The Director of Resources provided copies of the Financial Handbook and also copies of the claims made under OCA by Dr Paisley and Mr Paisley Jnr.

- 8.3** In his complaint Mr O'Loan had raised the specific matter of the level of rent claimed which he described as excessive. In order that I might have independent advice on this matter to more fully inform the Committee, I asked the Commissioner for Valuation to provide me with an independent assessment of the amount of rent which the premises might attract.

The Commissioner advised me that the District Valuer had previously carried out a detailed examination of the premises for Rating purposes. It was explained that the property, although used as an advice centre and offices, was essentially shop accommodation and, assuming it was held under a full repairing and insuring lease with the tenant being responsible for all outgoings, the market rent which might reasonably be expected to be paid would be towards the upper end of the range £26,000 to £30,000 per annum.

The normal arrangements would be for the lessee to pay only the market rent and invest their own capital to fit out the premises as they consider necessary to make the premises suitable for their precise purposes, meeting health and safety precautions, disability access requirements etc.

In light of the explanation of the arrangements underpinning the provision of the accommodation the Commissioner advised that what was being claimed was essentially the economic cost of having the required accommodation provided by the landlord. The amount being claimed was effectively the basic market rent plus an annual amount to reflect the cost of fitting out the premises. This was an understandable arrangement in commercial terms as the landlord needed a return on this element of his capital investment.

- 9.1** I noted that in his complaint Mr O'Loan had referred to the fact that the father-in-law of Mr Paisley Jnr was the Director of the company which owns 9/11 Church Street Ballymena and Mr Paisley Jnr acknowledged that fact. However I considered it appropriate to the investigation to seek to identify the beneficial shareholder or shareholders of the company.

As a result of enquiries made on my behalf I was aware of the identity of the initial subscribing shareholders. I therefore wrote to

the firm of solicitors at whose address the company has its registered office and asked if the named persons were the beneficial owners of the shareholding in Sarcon (250) Limited or, if they were not the beneficial owners, on whose behalf they held the shares.

The solicitors informed me that the initial subscribing shareholders no longer held those shares but declined, on grounds of client confidentiality, to disclose the identity of the beneficial owner or owners.

Further enquiries made on my behalf established that:

1. The initial shareholders had transferred their shares to Mr Seymour Sweeney on 30 May 2007.
  2. That Mr Sweeney had subsequently transferred his holding to Mr Currie on 24 October 2007.
  3. That Mr Currie was replaced as the sole Director on 7 August 2008 by Mr Samuel Hanna but that Mr Currie remained the sole shareholder.
  4. That there was no reference in the objects of the company, as set out in the Memorandum of Association, to Sarcon 250 Ltd holding the property at 9/11 Church Street Ballymena in trust, in perpetuity, for the purposes of providing constituency accommodation for the DUP.
  5. There is no evidence on the public record to sustain the contention that there is a trust in place governing the role or actions of Sarcon 250 Ltd.
- 9.2 I also noted that Mr Paisley Jnr had leased the premises from 31 July 2007 from Sarcon 250 Ltd when Mr Sweeney was the sole Director and shareholder. I therefore asked Mr Paisley Jnr if, during the period 30 May 2007 to 24 October 2007 he had engaged in any representational, lobbying or advocacy activity on behalf of Mr Sweeney or any company or group in which he had an interest or with which he was associated.

**Mr Paisley Jnr replied as follows:**

Sarcon 250 is a company whose sole purpose is to provide in perpetuity an advice centre/community facility in Ballymena to advance the political cause as represented by its tenants – Dr Paisley and myself and for the

general benefit and promotion of the DUP in North Antrim. 9-11 Church Street is owned by Sarcon 250. No financial benefit is derived to the company's directors(s). No profit is made in relation to any aspect of the provision of the advice centre by the company director(s) as a result of his/her directorship. This is and always has been the basis of the role of the director of Sarcon 250. As you note there have been so far three directors, Mr Sweeney, Mr Currie and Mr Hanna. That is the legal basis of their role as director of Sarcon 250.

At no time was any charitable status sought, desired or obtained. It is not a charity and never has been neither has it sought to pretend to be a charitable company.

On the face of it Mr Sweeney, Mr Currie and Mr Hanna have never been my landlord. That would potentially have tax implications and business consequences for these gentlemen. Sarcon 250 has been and always will be the company that owns the facility and all rentals furnishes the company's banking loan.

You asked regarding my activities during the period 30 May 2007 and 24 October 2007. I carried out no lobbying, advocacy or representational work on behalf of or at the request of Mr Sweeney during that period. I had a meeting with him at Stormont and in the constituency to make arrangements for his replacement as director of Sarcon 250 and I met him on a social occasion for lunch in Belfast.

For your convenience I have attached copies of the public record of my utterances in the Assembly for this period.

I hope you find this helpful for your investigation.

10. **Mr O'Loan referred in his complaint to Mr Paisley Jnr having lobbied on behalf of Mr Sweeney's proposed development at Ballyallaght which was approved only after a Ministerial decision. Mr O'Loan referred to the fact that Mr Paisley Jnr had purchased one of the properties at Ballyallaght and in view of this fact I considered it appropriate to review the Planning Service file dealing with that planning application. There is no record of any intervention by Mr Paisley Jnr in the handling of the case. There is a file record of Dr Paisley MP MLA requesting and being granted a meeting with the then Minister to discuss the case after the Planning Service indicated it was minded to change its view on the application from one of approval, which it had conveyed to the District Council, to one of refusal. In these circumstances I understand that it is not uncommon for an elected representative to seek clarification on behalf of a constituent from the relevant Minister.**

- 11.1** In his complaint, Mr O'Loan referred to representations Mr Paisley Jnr had made in respect of the sale of Land at Ballee by the Department for Social Development. In his initial response to me, Mr Paisley Jnr stated he had attended a meeting with the Minister in her office about the matter on the basis of a constituency enquiry and had engaged in correspondence with her. In order to understand the extent of that interaction, with the Minister's agreement, I examined the Departmental records.
- 11.2** The Departmental file records contain a letter dated 6 June 2007 to the Minister from Mr Paisley Jnr about the disposal of the land at Ballee in which he refers to a meeting with her "last week". The file contains the Minister's reply to his letter but it does not appear to contain any record of the meeting referred to by Mr Paisley Jnr. I obtained a copy of the Minister's official diary for the period 28 May 2007 to 6 June 2007 but it contains no note of such a meeting being held. I therefore asked both the Minister and Mr Paisley Jnr if they could provide me with any background or clarification about the meeting in question.
- 11.3** In response to my enquiry the Minister informed me that Mr Paisley Jnr had asked for a meeting with her (without officials) in his capacity as an MLA.

The meeting had taken place on 29 May 2007 and Mr Paisley Jnr had made the case for early resolution of the proposed Ballee land transaction. As there were no officials present, no official note was taken.

In her reply the Minister further stated that she had undertaken to consider the points raised by Mr Paisley Jnr at the meeting.

- 11.4** Mr Paisley Jnr, in a letter to me commented that he understood the Minister had confirmed the meeting had taken place. Mr Paisley added that at the meeting he had urged the Minister to resolve, and resolve quickly, the matter of the sale of the land. In the event the Department had failed to complete the land sale. He commented further on how that situation had impacted on public finances. He also expressed the view that the public interest was not being served by those who had perpetuated a complaint against him and helped prevent the sale on the basis of a lack of understanding of how the market place operates. He believed the Minister, her department and the MLAs who had complained about this matter should themselves now be exposed by an investigation for gross incompetence.

## Evaluation of the Complaint

12. In considering the matters raised in this case and preparing this report I obtained the views of my independent legal adviser and I am grateful to him for his guidance. In commenting on the issues detailed in the complaint I will follow the sequence of the complaint as set out in paragraph 2.

### Failure to register as an “interest” Mr Paisley’s degree of involvement with Mr Sweeney.

- 12.1 The Guide to the rules relating to the Conduct of members, at paragraph 9, states, “The main purpose of the Register of Members’ Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his capacity as a Member of the Northern Ireland Assembly. Provision is also made for the registration of relevant non-pecuniary interests. ...”
- 12.2 In the section of the Guide setting out the categories of Registrable Interest, category 11 deals with unremunerated interests. It defines these as “Any unremunerated interests which might reasonably be thought by others to influence a Member’s actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly, even though the Member receives no financial benefit.”

Paragraph 33 states “ Members are required to register unremunerated directorships, eg directorships of charitable trusts, professional bodies, learned societies or sporting or artistic organisations, where such a body might directly benefit from public funds or from a decision taken by the Northern Ireland Assembly. Where a Member considers that an unremunerated interest, other than a directorship, which the Member holds might be thought by others to influence his or her actions in a similar manner to a remunerated interest, such an interest should be registered here.”

- 12.3 A careful consideration of the Code of Conduct for Members and related Guide indicates that Members are required to conduct their official business against a clear set of principles which are intended to protect the integrity of the Assembly’s decisions. The arrangements place the onus on Members to declare any interest,

remunerated or unremunerated, which might be perceived by the public as influencing their actions or decisions. The definitions contained in the Guide and the advice given is set down in terms of direct pecuniary interest, the receipt of tangible benefits or the holding of unremunerated directorships.

Category 11 however further provides for the registration of an unremunerated interest, other than a directorship which “.. might be thought by others to influence his or her actions in a similar manner to a remunerated interest..” (my emphasis)

- 12.4 Mr Paisley Jnr has provided comment on each of the points made by Mr O'Loan in respect of the extent of his interaction with Mr Sweeney. He differs from Mr O'Loan's descriptions of these matters in his explanation of the circumstances detailed. Mr Paisley Jnr makes the point that he has not treated Mr Sweeney any differently from any other constituent who comes to him for advice and support. However in his response he confirms a series of interactions with an individual constituent which I believe constitutes a greater level of interaction with a single constituent than is normal. It is therefore possible to appreciate how it could be thought by others that the form and extent of those interactions could constitute a relationship which could affect the Member's actions or decisions.
- 12.5 Mr O'Loan's contention is that the degree of interaction between Mr Sweeney and Mr Paisley Jnr constitutes a registrable interest. I would interpret the Code, and Category 11 in particular, as covering such a situation. This could very well represent circumstances which Members as a whole may not readily appreciate.

In determining whether Mr Paisley Jnr breached the Code of Conduct it is important to determine whether there was a personal interest. This can be established in a number of ways. A Member would have a personal interest in any business of the Assembly or in his role as a Member where it relates to or is likely to affect:

- A) An interest directly falling under the explicit circumstances set out in the eleven Categories set out in the Guide, or
  
- B) An interest where the well-being or financial position of the Member, members of his family, or people with whom he has a close association, is likely to be affected by the business of the Assembly or Member's actions



considerably more than it would affect the majority of constituents affected by the decision.

- 12.6 Mr Paisley Jnr has acknowledged that he was involved in making representation on behalf of his constituent, Mr Sweeney but has indicated that Mr Sweeney received no more and no less support and assistance than any other constituent who came to him seeking assistance.**

Applying the second test outlined in paragraph 12.5, I would conclude that the frequency and extent of the relationship between Mr Paisley Jnr and Mr Sweeney was such as to establish a close association. The relationship included recreational, social and political contacts together with property dealings which involved the purchase of a holiday home from Mr Sweeney in 2004. It is particularly relevant that from 30 May 2007 to 24 October 2007, Mr Sweeney was the sole shareholder of Sarcon 250 Ltd. During this period Mr Paisley Jnr negotiated a lease of the company's property at 9/11 Church Street Ballymena which came into effect on 31 July 2007 and has acknowledged that he subsequently discussed with Mr Sweeney his replacement as director of Sarcon 250 Ltd. Further, Mr Paisley Jnr met Minister Ritchie on 29 May 2007, subsequently writing to her on 6 June 2007, about the sale of lands at Ballee. Whilst Mr Paisley Jnr was acting directly on behalf of the families who were seeking to buy back the land in question, Mr Sweeney had an interest in the matter as he would have been one of a number of businessmen involved in providing financial support to some of the families.

Bearing in mind the guidance set out in paragraph 9 of the Guide to the Code (referred to at paragraph 12.1) and within the context of the level of interaction he had with Mr Sweeney, I consider therefore that Mr Paisley Jnr ought to have recorded the relationship as an interest under Category 11. In coming to this conclusion the Committee will need to make a distinction between a deliberate attempt to avoid the registration of an interest and the failure to recognize that a registrable interest had been established.

In reaching my views set out above I have reflected in detail on the overall provisions of the Code of Conduct and the Guide and I have also discussed the matter at considerable length with my legal adviser.

**Failure to register a shareholding in Ballyallaght Management Company**

**12.7 Category 9 of the Guide deals with Shareholdings. It defines shareholdings as; “Interests in shareholdings held by the member, either personally, or with or on behalf of the member’s partner or dependent children, in any public or private company or other body which are:**

- (a) greater than 1 percent of the issued share capital of the company or body; or**
- (b) less than 1 percent of the issued share capital but more than “£ 25,000 in nominal value ...”**

**Paragraph 30 of the Guide states, interalia, “When determining whether or not shareholdings are registrable under the criteria set out above, Members should include not only holdings in which they themselves have a beneficial interest but also those in which the interest is held by, or on behalf of, their partner or dependent children....”**

**12.8 The copy of the annual return of Ballyallaght Management Co Ltd to the Companies Registry, dated 26 March 2007, submitted to me in support of the complaint by Mr O’Loan records a total of 14 shares with a share capital of £14.00. It lists Mr and Mrs Paisley as holding one share which represented some seven per cent of the issued share capital of the company.**

**12.9 At initial examination this shareholding may appear to require to be listed in the Register of Members Interests in light of the definition set down in Category 9. However, I believe the description of the purpose of the Register, set out at paragraph 9 of the Guidance places the matter in a different context. The main purpose of the Register is stated as being “to provide information on any pecuniary interest or other material benefit which a Member receives...”. The share held in the Ballyallaght Management Company produces no pecuniary or other material benefit for Mr Paisley Jnr. Rather the company was established to ensure the proper maintenance and orderly running of the development. As such, I believe that this shareholding does not come within the intent of the Register of Members’ Interests.**

**Failure to register as an “interest” the fact his father in law was now the sole Director of Sarcon 250 Ltd to which Mr Paisley Jnr paid rent in respect of his constituency office at 9/11 Church Street Ballymena**

- 12.10 The Register, in Categories 1 and 11, provides for the inclusion of directorships, remunerated and unremunerated, held by Members. Category 11 also provides for the registration of an unremunerated interest, other than a directorship, held by a Member which might be thought by others to influence his or her actions in a similar manner to a remunerated interest. As set out above I consider that final category to extend to close association with individuals or, indeed, organisations or business undertakings. However, unlike at Westminster, there is no indication in the guidance that the requirement for registration extends to directorships held by a Member’s wider family.
- 12.11 In light of the provisions of the Code detailed at paragraph 12.10, I am of the view that the directorship of his father-in-law did not constitute an interest which Mr Paisley Jnr was required to register under the rules governing the Register of Interests.
- 12.12 However, with effect from 24 October 2007 Mr Paisley’s father in law became the sole shareholder and therefore the legal owner of Sarcon 250 Ltd., a position he continues to hold according to the records available in the Companies Registry. In the absence of any information to the contrary it must also be assumed that Mr Currie is the beneficial shareholder of the company from which Mr Paisley Jnr is renting constituency accommodation, the costs of which are met by the Assembly with the capital benefit accruing to the company.

In light of the wide application which I consider implicit in Category 11 of the Register of Interests, as set out in paragraph 12.6 above, I believe Mr Paisley Jnr should have registered the details of his father in law’s shareholding in Sarcon 250 Ltd. In light of Mr Paisley’s expressed willingness to register his father in law’s directorship of the company I would draw a distinction between a deliberate attempt to avoid registration and a failure to recognise that a registrable interest had been created.

- 12.13 In addressing this matter the Guide is not as clear as it should be. Read in isolation from paragraph 9 of the Guide, the term “unremunerated interest” in paragraph 33 of the Guide might not readily be taken as having as wide an application as I believe is implicit in the provision. Members of the Assembly will need to reflect on the implications of this provision for the particular arrangements they employ to secure accommodation for their constituency offices.

**That Mr Paisley Jnr had claimed £31,250 from the Assembly in respect of rent for his constituency office at 9/11 Church Street Ballymena and that a similar claim had been made by Dr Paisley MP MLA. Based on Mr O'Loan's experience of office rental costs in Ballymena he regarded the rent claimed for the property to be excessive**

12.14 The Members Financial Services Handbook places a number of constraints on Members in relation to the use of the Office Cost Allowance. In respect of the setting up and running of a constituency office it provides explicitly that:

- it is not permissible for Members to rent properties which they themselves own; and
- the allowance may not be used for the purchase of property to be used as a constituency office.

The documentation which I have examined and the information which has been made available to me indicate that neither Mr Paisley Jnr, nor Dr Paisley, own the premises at 9/11 Church Street Ballymena nor is the property being purchased by them.

Mr Paisley Jnr has responded to all the inquiries I submitted to him both orally and in writing about the arrangements which affect the rental of his constituency office. Mr Paisley Jnr has indicated that the rent claimed under the Office Cost Allowance is being paid to Sarcon 250 Ltd, which, acting as a trust, uses the payment to service a bank loan which was secured for the purpose of the company purchasing the property for the long term provision of constituency accommodation for the Democratic Unionist Party representatives in the North Antrim constituency. The Director of Resources of the Assembly has indicated that this arrangement does not breach the rules currently operated by the Assembly for the claiming of Office Cost Allowance for the provision of constituency offices.

12.14 The current rules governing the use of the Office Cost Allowance for the provision of constituency offices places no limit on the level of rent which will be reimbursed within the overall maximum figure of £72,000 pa nor does it make any requirement for a professional valuation to be obtained by the Member. In the case of Mr O'Loan's complaint a number of valuations in relation to the level of annual rent which might have applied can be identified.

**These are as follows:**

- **£42,000 pa - referred to in the June 2007 professional valuation report on the property;**
- **£62,500 pa – as stated in the copy lease dated July 2007 held in the Assembly’s Finance Division records;**
- **£57,200 pa – being the annualised figure derived from the quarterly claim made by Sarcon 250 Ltd’s solicitors in August 2007, held in the Assembly’s Finance Division records;**
- **£ 52,750 pa – being the September 2008 professional valuation advice provided to Mr Paisley Jnr;**
- **£ £56,000 pa – being derived from the approximate amount which Mr Paisley Jnr told me was likely to be claimed in 2008/09;**
- **the upper end of the range £26,000 to £30,000 being the valuation of market rent advised by the Commissioner for Valuation.**

I note that Mr Paisley Jnr explained during the course of my investigation that a further variable that could apply was that the amount to be claimed could reduce from the lease figure as a consequence of reductions in the bank interest rate that might apply to any particular period in time.

**12.16 In light of the advice provided by the Commissioner for Valuation**

I would conclude that the amount of rent claimed for the premises at 9/11 Church Street Ballymena, exceeds what would be regarded as the normal market rent for such a property. However, I have also noted the Commissioner’s comment that the arrangements which obtain are understandable in commercial terms.

## **Conclusion – Summary of Findings**

- 13.1 Mr Paisley Jnr should have recorded his relationship with Mr Sweeney as an interest under Category 11.( see paras 12.1- 6 )**
- 13.2 Mr Paisley Jnr was not required to register his shareholding in the Ballyallaght Management Company. ( see paras 12.7 – 9 )**
- 13.3 Mr Paisley Jnr was not required to register the fact that his father in law was the Director of Sarcon 250 Ltd but he should have registered as an interest under Category 11 the fact that his father in law was the sole shareholder in the company. (see paras 12.10 – 13)**
- 13.4 Mr Paisley Jnr has not broken any rule within the current Handbook relating to the Office Cost Allowance in respect of the level of rent paid for the premises at 9/11 Church Street Ballymena although the total amount of rent claimed by Mr Paisley Jnr and Dr Paisley for the accommodation is significantly in excess of what might be regarded as a normal market rent. (see paras 12.14 – 16)**

## **Administrative Points Arising from the Complaint**

**14** This case has identified a number of issues which, in the interests of public accountability and securing public confidence, warrant urgent review by the appropriate authorities within the Assembly. Conversely, and importantly, more definitive guidance would offer all Members a greater degree of protection from criticism which can be corrosive in its effect on the essential element of trust between the public and their elected representatives. The points I make replicate some of those referred to in the recent SSRB report.

**14.1** I believe it is clear from the way in which the complaint is described that as well as detailing his concerns about the actual amount of rent paid, Mr O'Loan is also seeking to comment on the level and extent of the accommodation claimed for by Mr Paisley Jnr and Dr Paisley.

There is an overall limit of £ 72,660 for 2008/09 in respect of the total allowance payable in respect of all the claims under the Office Cost Allowance scheme for an individual Member. However the rules governing Members' use of allowances:

- Place no limit on the level of rent for constituency accommodation.
- Do not require any independent professional validation of the rent claimed.
- Set no standards for the accommodation, for example in terms of accessibility.
- Place no limit on the space allowed for constituency accommodation.

In the context of Mr O'Loan's complaint it is relevant to note that Dr Paisley also claims the same amount as Mr Paisley Jnr from the Office Cost Allowance in respect of the premises.

I believe the question of more specific guidance in respect of accommodation costs, standards and space are matters which the Committee should refer to the relevant authority in the Assembly.

**14.2** I believe that the range of valuations set out in paragraph 12.15 makes the case for the level of rent claimed for any constituency accommodation to be underpinned by an independent professional valuation of the premises. Alternatively, it should be determined by the Commissioner for Valuation as generally occurs with all other accommodation leased by public bodies.

- 14.3** I believe the rules prohibiting the use of the Office Cost Allowance to purchase property are ambiguous and require clarification.

Clearly they prohibit a Member from using the allowance to purchase property for herself or himself. They do not however prohibit a Member renting accommodation from a relative, who effectively uses the rental income provided through the Office Cost Allowance to purchase the property, a point made to me by Mr Paisley Jnr.

- 14.4** There is a need to clarify by definition who is a relative or family member. For example, at Westminster, the definition used is “ Any relative by marriage or partnership equivalent to marriage or by blood”. (Authorities at Westminster would consider a father in law to be a close family member)
- 14.5** The approach to the provision of constituency accommodation which has been adopted in this case differs again from the normal rental arrangement. Effectively the Office Cost Allowance is being used to create a property asset for a political party. Whether this would be perceived by the public as constituting an appropriate use of public funds is a matter which the Assembly, as a whole, may wish to consider.
- 14.6** Where constituency accommodation is shared between a number of Members there should be clear guidance on the apportionment of costs.
- 14.7** Where accommodation is used by a Member who is also a Member of Parliament or shared with a member of the European Parliament or someone who is a councillor, there should be liaison with the other institution (s) to ensure an equitable apportionment of costs between all the institutions that may be involved.

**T FRAWLEY**  
**Interim Commissioner for Standards**



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**Appendix 2**

**Letter of Complaint by  
Mr Declan O'Loan MLA**

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**Northern Ireland Assembly**

**Declan O'Loan, MLA for North Antrim** [declanoloanmla@hotmail.com](mailto:declanoloanmla@hotmail.com)  
**SDLP Spokesperson on Finance and Personnel**  
**(Constituency office) 64 William Street, Ballymena, Co. Antrim, BT43 6AW**  
**Tel.: 028 2565 6841 Mobile : 07764 220533 Fax : 028 2565 6844**

Dr Kevin Pelan, Clerk of Standards, Room 284, Parliament Buildings, Belfast, BT4 3XX

18 February 2008

Dear Dr Pelan,

I wrote to you yesterday about certain matters in relation to Mr Ian Paisley Junior. I included as one point some details on the renting of a constituency office at Church Street, Ballymena. I now wish to raise two further issues in relation to that office, and I also wish to include the involvement of Mr Ian Paisley Senior.

A Freedom of Information question has revealed that Mr Paisley Sr. and Mr Paisley Jr. are claiming rent from the Assembly for premises at Church Street, Ballymena. There has been widespread surprise at the magnitude of the rent. Certainly from my experience of office rentals in Ballymena, it does seem very high. The Code of Conduct (page 2) says that "No improper use shall be made of any payment or allowance made to Members for public purposes". While making no allegation of improper behaviour, I am asking for independent examination of the rent claimed to confirm that it is at a proper level for the property concerned.

Secondly, it has been revealed, and confirmed by Mr Paisley Junior, that the director of the company, Sarcon (No. 250) Ltd, which owns the premises at Church Street, is a Mr James Curry. Mr James Curry is the father-in-law of Mr Paisley Jr.. The Code of Conduct clearly requires a Declaration of Interest in relation to payment being made to a close family relative. No such declaration as far as I am aware has been made by either of the two members.

I am asking that these two matters be considered and investigated by the Committee on Standards and Privileges.

Yours sincerely,

Declan O'Loan MLA

**STANDARDS &  
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PRIVILEGES**



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**Northern Ireland Assembly**

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**Declan O'Loan, MLA for North Antrim** [declanoloanmla@hotmail.com](mailto:declanoloanmla@hotmail.com)  
**SDLP Spokesperson on Finance and Personnel**  
**(Constituency office) 64 William Street, Ballymena, Co. Antrim, BT43 6AW**  
**Tel.: 028 2565 6841 Mobile : 07764 220533 Fax : 028 2565 6844**

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Dr Kevin Pelan, Clerk of Standards, Room 284, Parliament Buildings, Belfast, BT4 3XX

17 February 2008

Dear Dr Pelan,

**Complaint against Mr Ian Paisley Jr. MLA**

Thank you for your letter of 17 January 2008 enclosing the response from the Interim Commissioner for Standards and stating the Committee's views on the matter.

I will make a number of points.

1. I raised the matter with the Committee making reference to the Register of Interests. I note the statement in the Code of Conduct that the main purpose of the Register "is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly." It is my view that the degree of involvement of Mr Ian Paisley Jr. in the affairs of Mr Seymour Sweeney is such that it is widely regarded by the public as having the potential to have the influence described in the Code.
2. I note the reference by the Interim Commissioner for Standards to Paragraph 66 of the Guide where it says that "a complaint founded upon no more than a newspaper story or television report will not normally be regarded as a substantiated allegation." There is an important issue here. Much of the information relating to this matter has come into the public arena through media reports. It is quite clear that there is general agreement on the facts. It is the interpretation of them that is disputed. In many cases Mr Paisley Jr. has corroborated information revealed by journalists in his public statements. I would regard it as most unsatisfactory and improper if there were not full investigation of a matter in which there is a serious public interest merely because many of the facts have emerged through the media.
3. I also note the reference by the Interim Commissioner for Standards to his not wishing to run an investigation in parallel to resolution of a complaint under the Ministerial Code. It seems to me that there are distinct points being made by me in relation to the Register of Interests as it relates to a member which are properly within the purview of the Committee.

4. I enclose a printout from the BBC News website containing a report (5 pages) by Martina Purdy, Political Correspondent, dated 07 December 2007 relating to Mr Paisley Jr. and his representations to the Minister for Social Development. This is the matter which I first raised with the Committee. I submit that report as evidence. Mr Paisley is quoted in the report as saying that he had spoken to a group of businessmen including Mr Seymour Sweeney throughout this case. Sir Alastair Graham, former chair of the Committee on Standards in Public Life, is quoted in the report as saying "We are dealing with a property deal in which the public purse may gain many, many millions of pounds. ... And therefore I think there is a heavy duty on the junior minister to lay out his exact interests in this matter. For example, I understand a key player in all of this is a fellow member of the DUP (Mr Sweeney). The same political party. Therefore that should be absolutely clear, what contacts there has been. Is there any obligation in any way to this businessman. Has he for example had any property deals with this businessman. There are a whole range of issues where he needs to be totally transparent of what his links and interests are with this man. And if he doesn't make those interests clear then he is in danger of being accused of acting improperly." I regard it as being of the utmost importance that there are no lesser standards at the Assembly than those expected by a former chair of the Committee on Standards in Public Life. His comments relate primarily to a member's interests, and that is clearly a matter for the Committee. I would contend that the matter at a minimum merits investigation, and that any other decision would put into question whether the Assembly has a sufficiently robust system for the protection of standards.
5. I enclose copies of the Annual Return to the Companies Registry of a company called Ballyallaght Management Limited. The only Directors of that company are Mr Seymour Sweeney and Mrs Carol Sweeney. Mr Ian Paisley Jr. is a Member of that company. That interest has not been registered at the Assembly by Mr Paisley Jr.
6. Mr Paisley Jr. has a second home at Ballyallaght Farm Cottages, Bushmills. He purchased that home from Mr Seymour Sweeney.
7. Mr Paisley Jr. lobbied for planning approval for Ballyallaght Farm Cottages on behalf of Mr Sweeney. This was some time before he purchased one of the properties. His lobbying may have been influential as the planning application was initially turned down by the Planning Service after a negative report by the Environment and Heritage Service, and only succeeded through a Ministerial decision. I enclose copy of a Planning Appeals Commission report on another application which makes reference to this.
8. It transpired that some two years after Mr Paisley Jr. purchased his second home from Seymour Sweeney, it was still registered with the Lands Registry as belonging to the wife of Mr Sweeney.
9. Mr Paisley Jr. lobbied very strongly and repeatedly for Mr Sweeney's private sector proposal for a Visitors Centre at the Giants Causeway.
10. Mr Paisley Jr. signed a letter from his father to the Heritage Lottery Board protesting that Mr Sweeney had been refused a grant for his proposed Visitors Centre at the Giants Causeway.

**STANDARDS &**

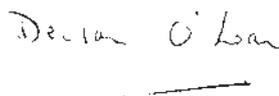
**18 FEB 2008**

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11. Mr Paisley Jr. lobbied the Fisheries Conservancy Board in support of a salmon-netting licence application by a sea fisherman whose crew included Mr Sweeney.
12. When asked about his relationship with Mr Sweeney on the BBC Nolan Show on 11 September 2007, Mr Paisley replied that he "knew of him", and that he was a constituent of his.
13. Subsequently a photograph was widely published showing Mr Paisley Jr., his father, and Mr Sweeney in an informal group smiling and evidently at ease in each other's company.
14. It also transpired that Mr Paisley Jr. had been out lobster fishing with Mr Sweeney.
15. Mr Sweeney is a member of the Democratic Unionist Party.
16. A Freedom of Information question has revealed that Mr Paisley Jr. is claiming £31 250 annually from the Assembly (and his father the same amount) in rent for a constituency office at 9-11 Church Street, Ballymena. The office premises are owned by a company called Sarcon (No. 250) Ltd which was set up in 2007. The Belfast Newsletter of 16 February 2008 says that checks at Companies House listed Seymour Sweeney as the director of Sarcon (No. 250) Ltd, evidently the sole director, from May 2007. Mr Paisley Jr. has confirmed that the company owns the premises. He says in the Newsletter article that "during the run-up to the purchase, for a period of weeks, Mr Sweeney as a member of the DUP gave advice on the purchase of the office and became a director of the company to ensure that the purchase could be completed."
17. In the light of the many close personal, political and business connections between Mr Ian Paisley Jr. and Mr Seymour Sweeney, I believe that there is an overwhelming case for a full investigation of his Register of Interests at the Northern Ireland Assembly.

Yours sincerely,



Declan O'Loan MLA

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## Paisley 'lobbied for land deal'

**By Martina Purdy**  
Political correspondent

### It has emerged Ian Paisley Jnr has been lobbying an executive colleague in a multi-million pound land deal involving among others developer Seymour Sweeney.



Ian Paisley Jnr said he was lobbying in the interests of his constituents

Mr Paisley Jnr's relationship with Mr Sweeney has been in the spotlight after the developer's bid to build the Giant's Causeway's visitor's centre.

Mr Paisley Jnr said he had acted properly throughout the matter.

However, a former parliamentary watchdog said he had a duty to set out his exact interests in it.

Mr Paisley jnr said that his lobbying had been in the best interests of the public purse and of his constituents who are hoping to buy back land taken over by government more than 30 years ago.

In March of this year, direct rule minister David Hanson had been wrestling with a decision about 96 acres at Ballee in Ballymena.

The land was acquired by the Government through compulsory purchase in 1970 but never developed. The Department of Social Development had decided to put it up for auction in 2003.

But some of the original owners and their relations objected to an auction. They wanted a first refusal and were prepared to take a court case to establish their rights.

Backing their bid was a group of businessmen. They hoped to buy the land and offered to finance the deal on behalf of the families and pay them 10% on top of the price they had to pay the government.

Details of the deal were earlier disclosed in legal papers.

Ian Paisley Jnr said he first became involved in 2003 when he was contacted by two of the nine families who

**GIANT'S CAUSEWAY ROW**

Developer denying 'special link'

Your views on the controversy

Paisley confirms fishing trips

Tycoon offers free centre

Causeway 'a political football'

Council insists on public funding

Developer denies funding DUP

Developer's DUP link 'no bearing'

Tourist plan 'may end in court'

No public cash for tourist centre

Developer to get Causeway nod

**BACKGROUND**

Unesco gets Causeway plan

Antrim coast regeneration plan

Council retains Causeway control

Giant's Causeway plan scrapped

April 2000: Blaze destroys centre

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Your 20 hidden tourist gems

£10m lift for north coast tourism

NI's Big Sur trumps landmarks

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Giant's Causeway

Causeway Coast and Glens

Environment and Heritage Service

Unesco

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originally owned the land.

"I said of course I was more than willing to help them and help them both for their interest, as they are entitled for their rights to be observed, and also for the public interest because it is in the public interest to ensure the proper value is established and paid for these lands," he said.

North coast businessman Seymour Sweeney was one of the developers who wanted to secure the Ballee land.

When asked by the BBC which businessmen he had been in contact with him, Mr Paisley Jnr said: "Well I've already told you.

"There's a number of businessmen contacted me. There's six businessmen involved in this case. At some point I have been in touch or spoken to the majority of those businessmen."

He was then asked if Mr Sweeney was one of them.

"Well as I have said there are six businessmen involved in this and I have certainly at some point been involved with the constituents happy to represent their case with the full knowledge that all these businessmen are involved in this case with the constituents.

"That is principally their concern. They are entitled to that relationship."

He was then pressed on whether he had spoken to Mr Sweeney about the matter.

"Well if Mr Sweeney contacted me of course I did," he replied.

He added: "I've spoken to six. There are six businessmen involved in this.



Seymour Sweeney is also a member of the DUP

"I have spoken to the majority of those businessmen throughout this case. There's no secret in that and those businessmen have acted as a unit in this case and acted on behalf of their business clients who happen to be my constituents."

Last December, Mr Paisley Jnr approached the minister, David Hanson, urging a settlement on Ballee.

In January - against a background of rising house and land prices - the department rejected an offer of £9m from the families.

**“ I take my responsibilities as an MLA very seriously. I have responsibilities to my constituents. I will serve their needs ”**

Ian Paisley Jnr

It thought the land was worth more and had it revalued at nearly £37m. At this point a senior civil servant's note says that Mr Paisley Jnr offered to drop the families' court case if the government



was prepared to sell them the land at the new price.

However, when he was asked about this the DUP man said: "No once again I must correct you. It was not my job at any time to offer to drop the legal case.

"It was my job to indicate certainly what was being said by the families and saying 'look they are prepared to settle this case, don't let it run. Don't let's have protracted legal costs on all this'."

In February this year the group of developers backing the bid changed, but Seymour Sweeney was still involved.

By March, the judicial review was looming. And Mr Paisley Jnr again spoke to an official about a possible settlement. He also complained the department was moving "very slowly." Ahead of the court hearing the families made another offer to the government - this time for £50m.

The court allowed the department time to consider the offer.

Mr Hanson authorised formal negotiations to settle; efforts to do that became complicated though, because not all original owners had been identified and the department did not want a piecemeal deal.

By this time the department had had the land revalued again and put a new price on it of £75m. There was no deal.

"Let's be clear about this, when the department asked me could I get them the £37m, I did," Mr Paisley Jnr said.

"They then turned that down and said could you get us £50m. I did. And they then turned that down.

"When they then started to take the mickey on this 'we want £75m we want £100m', there is no way my constituents were going to be ridden over in that way and I supported their interests."

With the return of devolution, David Hanson was replaced by the SDLP's Margaret Ritchie as minister for social development and Ian Paisley Jnr became a junior minister.



Within weeks he was again in contact with the DSD minister over Ballee. He said he did this in his role as an MLA for North Antrim not as a minister. He accused the department of presenting an "extortionate" new valuation.

Sir Alistair Graham said Mr Paisley Jnr should lay out his exact interests in the matter

Mr Paisley Jnr was asked if, at one stage, the families were offered 10% of the sale price for the land - while no one has disclosed the exact details, if that was still the case surely it would suit their interests for the price to go

up?

"I have no idea in terms of the business agreement that is in place between my constituents and their business partners," he said.

"You have mentioned percentages. So I'm not privy to any of that, don't want to be privy to any of that.

"That is their business relationship. I am there to represent the needs first of all of my constituents and to ensure also that the public purse is satisfied in this particular case.

Faced by the risk of losing the court case, the department agreed the deal in principle at a £50m price soon afterwards.

Mr Paisley Jnr said that, throughout, he was representing his constituents, not Seymour Sweeney or any of the other developers

However, Sir Alistair Graham, former chair of the Committee on Standards in Public Life, said Mr Paisley Jnr would have been wise to hand the issue over to a party colleague once he took ministerial office.

"We are dealing with a property deal in which the public purse may gain many, many millions of pounds," he said.

“ There are a whole range of issues where he needs to be totally transparent of what his links and interests are with this man ”

Sir Alistair Graham

"And of course it is important that we maximise the amount of money to the public purse if public assets are being put up for sale.

"And therefore I think there is a heavy duty on the junior minister to lay out his exact interests in this matter. For example, I understand a key player in all of this is a fellow member of the DUP (Mr Sweeney). The same political party.

"Therefore that should be absolutely clear, what contacts there has been. Is there any obligation in any way to this businessman. Has he for example had any property deals with this businessman.

"There are a whole range of issues where he needs to be totally transparent of what his links and interests are with this man. And if he doesn't make those interests clear then he is in danger of being accused of acting improperly."

Mr Paisley Jnr is adamant that it was clear he was writing to Margaret Ritchie in his capacity as an MLA rather than as a junior minister.

"I take my responsibilities as an MLA very seriously. I have responsibilities to my constituents. I will serve their needs," he said.

"That's why I am here and there has been no clash and

no conflict with anything that I have ever had to do as a minister in all of this matter."

The deal is still being finalised and may be concluded shortly. The millions involved would certainly help the cash-strapped department facing a housing crisis.

They may also though raise more questions.

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**Commission Reference: 2006/A0339**

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**PLANNING APPEALS COMMISSION**

**THE PLANNING (NORTHERN IRELAND) ORDER 1991**

**ARTICLE 32**

**Appeal by Mr J Kyle against the refusal of outline planning permission for the  
holiday cottages on lands at 264 & 266 Whitepark Road, Bushmills.**

**Report**

**by**

**Commissioners D O'Neill and M McCabe**

**Grid Reference: 296488 442595**

**Planning Service Reference: E/2005/0095/O**

**Procedure: Informal Hearing on  
3<sup>rd</sup> April 2007**

**Report Date: 8 August 2007**

2006/A0339/emcs/NA

*Planning Appeals  
Commission*

**List of past and present directorships:  
Mr Seymour Sweeney**

Bayview Hotel (NI) Ltd

Seaport Investments Ltd

Okuno Properties Ltd

The Nook Partnership Limited

Runkery Management Ltd

Lisnabrack Management Ltd

Ross Management Company Limited

Runkery Leisure Limited

Ringagree Management Limited

Giant's Causeway and Bushmills Railway Limited

McLeese Cottages Management Limited

Giants Causeway World Heritage Trust

Cancullough Management Limited

**Mrs Carol Sweeney**

Bayview Hotel (NI) Ltd

Seaport Investments Ltd

Runkery Management Ltd

Lisnabrack Management Ltd

Ross Management Company Limited

The Giants Causeway World Heritage Trust Ltd

Ringagree Management Limited

Giant's Causeway and Bushmills Railway Limited

McLeese Cottages Management Limited

Giants Causeway World Heritage Trust

Cancullough Management Limited

character. The appellant has not demonstrated any need for this development. No attempt is being made to re-use the modest dwellings and outbuildings on site. Within the main courtyard to the west, only the northern plot resembles the footprint of what is being demolished, however it is now larger with a new northern return. The rest of the site is new build, unrelated to the historic footprint of the grouping. As dNAP's TOU3 is a restrictive policy, to allow the proposal would undermine its intention. Whilst a self-evident precedent is no longer applicable to proposals for single dwellings in the proposed GB/CPA due to dPPS14, it still applies to Policy TOU3. Policy CTY1 in dPPS14 allows for tourism development in the countryside where the proposal meets the tourism policies of PSRNI. Therefore, dPPS14 is not a limiting feature on the level of precedent.

**Policy BH 5 of PPS6**

3.9 The site is just outside the boundary of the WHS and within its setting. Paragraph 4.2 of PPS6 requires careful scrutiny of all such proposals for their likely effect on the WHS or its setting in the longer term. The impact of the proposal on the critical views off/from the site, the access and public approaches to the site was assessed. The site is on the Causeway Coastal Route, a major scenic route between Portrush and Ballycastle and the main public approach for many visitors from the east to the WHS. The impact of development on the WHS and on the approach roads was considered in Appeal 2001/A294 where it was found that such roads are relevant when assessing the setting of the WHS. Although there is some built form on approaches to the WHS, further detrimental development should be avoided.

3.10 The current structures on the site are small, low-key and of traditional vernacular style. The dwelling fronting Whitepark Road (No 264) has particular interest and character, demonstrating the farming history of the area. The proposal makes no attempt to retain these buildings, justify their loss or replicate their character and style. The proposed density of 25dph, an increase of 650%, is akin to an urban setting and the nature and scale of the proposal is unnecessary, excessive and would radically alter the character. If the main front door of the units faced the courtyard as expected, the development will turn its back on Whitepark Road, which is the main road to the Giant's Causeway. No exceptional circumstances have been demonstrated to outweigh the adverse effects of the scheme on the integrity of the WHS.

**PSRNI Policies TOU1, 2 and 3**

3.11 No site-specific tourist or farm-based need has been presented to comply with Policy TOU3 and as there are many holiday cottages in this area, the scheme is unnecessary and excessive. If the scheme had been for housing PPS7 would have been applicable. The appellant has made no attempt to reuse the traditional and vernacular style dwellings and buildings on the site as required by Policy TOU3. Policy TOU2 seeks "in all situations" to protect important environmental assets for the tourist industry and the site should be protected from short term gain or exploitation because it is part of the landscape setting of the Giants Causeway and located along the Ballycastle - Portrush Road which is a major scenic route.

3.12 There is significant pressure to provide holiday accommodation in this area and the adjoining development to the east (Site 2 on the planning history map) was approved on 19 May 2003 (E/2001/0113/F). 14 holiday cottages were approved,

including the replacement of 3 dwellings (Units 8, 10 and 14). The photograph (on file) also shows 2-storey barns on the site that were more prominent than the appellant's site. A business case was submitted. This application was initially recommended for refusal by Planning Service and EHS because of its impact on the landscape within the setting of the WHS and the absence of exceptional circumstances as required under BHS to merit setting aside such concerns. A Ministerial decision concluded that subject to a change of design, the scale of development proposed was acceptable in the context of prevailing planning policies. In reaching this conclusion, the Minister took account of the existing buildings on the site, the footprints of these buildings, and other developments existing and under construction in the locality. An Article 40 agreement was made restricting the 11 other dwellings to holiday accommodation only. The approved scheme has a 20% smaller footprint than the appeal proposal. It is accepted that the scheme is not a particularly good example of development and the same density should not be perpetuated.

***PSRNI Policies DES6 and 7***

- 3.13 Derelict dwellings and outbuildings are normal features of the countryside and form part of the rural fabric. A courtyard style development of this density, scale and form in such a prominent rural site is uncharacteristic of a rural area. The field NE of the laneway entrance from Castlenagree Road is not part of the cluster as it forms a separate entity to what surrounds it. The critical views are along the Whitepark and Castlenagree Roads as well as the main road to the Giant's Causeway. There are also views from the laneway. Travelling from the west along Whitepark Road the site is quite low and only No 264 is visible. This is to be replaced by four units with a much larger footprint. Travelling from the east, there is concern in relation to the impact of the whole proposal as the scale, density and mass of proposal will be visible. It would totally erode the rural character. From the Causeway Road views of the site and the impact of the scheme would be visible. Even though there are buildings on the appellant's site there is no assumption in policy that the whole curtilage should be developed.
- 3.14 The development of two units in the southern part of the appeal site, which is currently free from any built form, will, together with its signage, visually link it with the recently constructed cottages when viewed from the Castlenagree Road. This site provides an important visual break in the area and is not an infilling of a small gap. A ribbon of development with a common frontage would be created along Castlenagree Road which is unacceptable on the grounds of visual amenity and be detrimental to this area. Prior to E/2001/0113/F the site already had buildings on it, which were subsequently replaced. An approval of the appeal site would extend development into a greenfield site.
- 3.15 In the event of the appeal being allowed, the following non-standard conditions are required:-
- Holiday accommodation occupancy only.
  - Dwellings shall have ridge heights of less than 5.5m above FFL, with a low angle roof pitch of 35-40 degrees.
  - Depth of the underbuilding shall not exceed 0.45m at any point.
  - Maximum of 12 units.

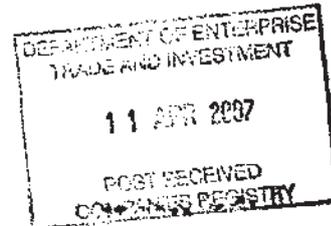
COMPANIES REGISTRY  
Waterfront Plaza  
8 Laganbank Road  
BELFAST  
BT1 3BS

Tel: 0845 604 88 88  
Fax: 028 9090 5291  
Email: info.companiesregistry@detini.gov.uk  
Web: www.companiesregistry.detini.gov.uk



# 371s

## ANNUAL RETURN



Company Number: **NI050277**  
Company Name: **Ballyallaght Management Limited**  
Company Type: **0 - NI PR LTD SH**  
Date: **26/03/2007**

Please mark appropriate box

- There were no changes in the period
- A list of changes is enclosed
- A full list of members is enclosed

The information printed below is taken from Companies Registry records as at the date shown. If this information requires amendment use the spaces provided. Please read the notes for guidance before completing the return.

**DATE OF THIS RETURN (See Note 1)**

The information in this return should be made up to a date not later than

**15/04/2007**

DAY	MONTH	YEAR

**DATE OF NEXT RETURN**

If you wish to make up your next return to a date earlier than the anniversary of this return please show the date here. Companies Registry will then send a form at the appropriate time.

DAY	MONTH	YEAR

**REGISTERED OFFICE (See Note 3)**

This is the address registered by Companies Registry

**SEAPORT LODGE  
40 SEAPORT AVE  
PORTBALLINTRA  
BUSHMILLS**

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If the information shown needs amendment, give details below, and for secretary and director particulars, the date of any change.

**PRINCIPAL BUSINESS ACTIVITIES**  
(See Note 4)

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**LOCATION OF REGISTER OF MEMBERS (See Note 5)**  
This address must be in Northern Ireland

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**LOCATION OF REGISTER OF DEBENTURE HOLDERS**  
(See Note 6)  
This address must be in Northern Ireland

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Particulars of a new director or secretary must be notified on form 296 (See Note 7)

Company Secretary  
MRS CAROL  
SWEENEY

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this person has ceased to be a secretary/director, please state when.

\_\_\_\_\_

Particulars of a new director or secretary must be notified on form 296 (See Note 7)

Director  
MR SEYMOUR HENRY  
SWEENEY

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[REDACTED]  
[REDACTED]  
[REDACTED]

If this person has ceased to be a secretary/director, please state when.

\_\_\_\_\_

Show any relevant current and previous directorships.

See attached list

Director  
MRS CAROL  
SWEENEY

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[REDACTED]  
[REDACTED]  
[REDACTED]

If this person has ceased to be a secretary/director, please state when.

\_\_\_\_\_

Show any relevant current and previous directorships.

See attached list

SHARE CAPITAL (See Note 8) Enter details of all shares in issue at the date of this return.		CLASS	NUMBER	AGGREGATE VALUE
Nominal Capital	14.00			
Paid Up Capital	14.00			
(The above details are those currently held on our records)				
		TOTALS		

**LIST OF PAST AND PRESENT MEMBERS**  
(See Note 9)  
(Use attached schedule and additional sheets where appropriate) A full list is required if one was not included with either of the last two returns.

**ELECTIVE RESOLUTIONS (See Note 10)**  
(Private companies only)

If an elective resolution is in force at the date of this return to dispense with annual general meetings, mark the box.

If an elective resolution is in force at the date of this return to dispense with laying accounts in general meetings, mark the box.

**CERTIFICATE**

I certify that the information given in this return is true to the best of my knowledge and belief.

SIGNED

*Raymond A. Linnell*  
Secretary/Director  
(delete as appropriate)

DATE

4/4/77

Cheques should be made payable to the Department of Enterprise, Trade and Investment (DETI)

This return includes Continuation sheets \_\_\_\_\_

To whom should Companies Registry direct any enquiries about the information shown in this return?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel \_\_\_\_\_ Ext \_\_\_\_\_

## SCHEDULE TO FORM 371s

COMPANY NUMBER: NI050277  
 COMPANY NAME: Ballyallaght Management Limited

### LIST OF PAST AND PRESENT MEMBERS

	Account of Shares			Remarks
	Number of shares or amount of stock held by existing members at date of this return	Particulars of shares transferred since date of last return, or, in the case of the first return, since the incorporation of the company, by (a) persons who are still members (b) persons who have ceased to be members		
NAME AND ADDRESS		Number	Date of registration of transfer	
[REDACTED]	1			
[REDACTED]	1			
[REDACTED]	1			
IAN & FIONA PAISLEY [REDACTED]	1			
[REDACTED]	9			

## SCHEDULE TO FORM 371s

### LIST OF PAST AND PRESENT MEMBERS

	Account of Shares			
	Number of shares or amount of stock held by existing members at date of this return	Particulars of shares transferred since date of last return, or, in the case of the first return, since the incorporation of the company, by (a) persons who are still members (b) persons who have ceased to be members		
		Number	Date of registration of transfer	
NAME AND ADDRESS				Remarks
[REDACTED]	1			



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**Appendix 3**

**Proceedings of the  
Committee Relating  
to the Report**

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# Wednesday, 29th April 2009

## Room 135, Parliament Buildings

**Present:** Mrs Carmel Hanna (Chairperson)  
Mr Allan Bresland  
Mr Francie Brolly  
Mr Willie Clarke  
Rev Robert Coulter  
Mr Jonathan Craig  
Mr David Hilditch  
Mr Paul Maskey  
Mr Alastair Ross  
Mr George Savage  
Mr Brian Wilson

**In Attendance:** Mr Paul Gill (Assembly Clerk)  
Ms Hilary Bogle (Assistant Clerk)  
Mr Gerard Rosato (Clerical Supervisor)  
Mr Lindsay Dundas (Clerical Officer)  
Mr Christopher McNickle (Clerical Officer)

*The meeting commenced at 2.01pm in closed session.*

### 5. **Report from the Interim Assembly Commissioner for Standards on complaints against Members**

Members noted the contents of a Report received from the Interim Assembly Commissioner for Standards on a complaint against a Member.

*2.12pm The Chairperson welcomed Dr Tom Frawley, Interim Assembly Commissioner for Standards and Mr John MacQuarrie, Director for Standards and Special Projects, Ombudsman's Office and invited them to make a presentation to the Committee. After the presentation Dr Frawley and Mr MacQuarrie answered a number of questions from the Committee.*

*2.30pm Mr Clarke joined the meeting.*

*2.40pm Mr Maskey joined the meeting.*

*4.08pm Dr Frawley and Mr MacQuarrie left the meeting.*

*4.08pm The meeting adjourned.*

*4.18pm The meeting re-convened.*

*Agreed:* Following discussion Mr Clarke, seconded by Mr Maskey, put the proposal that the Committee support the first recommendation in the Report of the Interim Assembly Commissioner for Standards.

The Chairperson put the question: that the Committee support the first recommendation in the Report of the Interim Assembly Commissioner for Standards.

The Committee divided –

**AYES**

Mrs Hanna

Mr Clarke

Mr Brolly

Mr Maskey

Mr Wilson

**NOES**

Mr Bresland

Rev Coulter

Mr Craig

Mr Hilditch

Mr Ross

Mr Savage

The motion fell.

*Agreed:* The Committee reached agreement on the remaining recommendations and conclusions in the Report of the Interim Assembly Commissioner for Standards.

*Agreed:* Members agreed that a brief draft Committee Report on the Complaint should be prepared by the Clerk and that the Committee should meet as a matter of urgency to agree its contents. It was further agreed that the meeting should take place on Thursday, 30th April 2009 and that the draft Report should be circulated to Members for their consideration in advance of the meeting.

*4.50pm Mr Maskey left the meeting.*

*Agreed:* The Committee agreed to write to the Assembly Commission highlighting issues raised with regard to the current rules on Office Cost Allowances.

*[EXTRACT]*

# Thursday, 30th April 2009

## Senate Chamber, Parliament Buildings

**Present:** Mrs Carmel Hanna (Chairperson)  
Rev Robert Coulter  
Mr Jonathan Craig  
Mr David Hilditch  
Mr Alastair Ross  
Mr Brian Wilson

**In Attendance:** Mr Paul Gill (Assembly Clerk)  
Ms Hilary Bogle (Assistant Clerk)  
Mr Gerard Rosato (Clerical Supervisor)  
Mr Lindsay Dundas (Clerical Officer)  
Mr Christopher McNickle (Clerical Officer)

**Apologies:** Mr Allan Bresland  
Mr Francie Brolly  
Mr Willie Clarke  
Mr Paul Maskey  
Mr George Savage

*The meeting commenced at 12.43pm in closed session.*

### 5. **Committee Report on a Complaint against a Member**

*1.05pm Mr Hilditch joined the meeting*

*1.26pm the meeting adjourned*

*1.29pm the meeting re-convened in Room 29, Parliament Buildings*

*1.32pm Mr Hilditch joined the meeting*

*Agreed:* Members discussed and agreed the draft Report as amended.

*[EXTRACT]*





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