**Determination by Consent Decision – 13 April 2022**

**Name of regulated person and call date**

Niall Skinner, Self-employed and practising: Citadel Chambers, 190 Corporation Street, Birmingham B4 6QD.

Called to the Bar July 2001.

**Case Reference**

2021/4952/DC

**Charges**

**Charge 1**

**Statement of Offence -** Professional Misconduct contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar of England and Wales (Part 2 of the Bar Standards Board’s Handbook, Version 4.5).

**Particulars of Offence –** Niall Skinner, a barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession and/or which could reasonably be seen by the public to undermine his integrity, in that on 4 December 2020, he was drunk and disorderly in a public place, namely a Hotel in Warwick. For which conduct, he received a police caution on 6 March 2021.

**Statement of Facts**

1. In January 2021, Niall Skinner made a self-report to the Bar Standards Board (BSB) under rC65 of the BSB Handbook. He reported that on the evening of 3 December 2020, he had a verbal argument with his wife and the police attended their home. He was asked to leave the property by the police to prevent a breach of the peace. He was taken by the police to a Hotel in Warwick.
2. While at the hotel, Niall Skinner was abusive to the staff and used threatening and abusive words with intent to cause the Hotel Manager harassment, alarm or distress. He admitted the act of being abusive but denied having any intention to cause harassment, alarm or distress.
3. Niall Skinner contacted the officer in the case (OIC) and apologised for his behaviour. He asked for the OIC to pass on his apologies to the attending police officers and staff at the hotel. He was granted unconditional bail.
4. On 6 March 2021, Niall Skinner received a police caution for being drunk and disorderly in a public place on or in 4 December 2020, with a crime reference of 23/51796/20.
5. On 25 March 2021, the BSB received a self-report from Niall Skinner about the above conduct.
6. On 23 April 2021, the BSB wrote to Niall Skinner alleging he was drunk and disorderly in a public place, namely a Hotel in Warwick, and he received a police caution as a result. This alleged conduct appeared to be in breach of Core Duty 5 of the BSB Handbook and in potential breach of rC8 of the BB Handbook.
7. Niall Skinner responded to the allegation on 14 May 2021. In summary he confirmed he:
	1. Admitted to the allegation and made no excuses for his behaviour;
	2. Reported the incident to his Chambers Manager; and
	3. Accepted the Warwickshire police caution.
8. In August 2021, the BSB received a copy of an MG5 police report summary dated 7 December 2021, which preceded the subsequent police caution. In summary, the police report outlined further details of the incident on 4 December 2020 in that Niall Skinner had:
9. Been unpredictable and disorderly in the hotel reception area, knocking on the Perspex screen surrounding the staff and demanding that the bar be opened.
10. The MG5 summary described how when checking in Niall Skinner made foul, abusive and grossly offensive comments including threats towards hotel staff.
11. On 12 August 2021, the BSB sent the MG5 police report summary to Niall Skinner to invite him to comment further. Niall Skinner has not taken the opportunity to further respond.
12. On 14 October 2021 the BSB referred the case to the DBC procedure.
13. On 9 November 2021, Niall Skinner agreed to the DBC process.

**Previous disciplinary findings**

None recorded.

**Summary of the Barrister’s mitigation**

1. Niall Skinner stated that various comments in the police report had been taken out of context and he was angry about being taken from his home when he believed that he had not done anything wrong. He was trying to say that he felt he was being treated like a criminal, when he was not.
2. Niall Skinner fully accepted that his behaviour was disorderly and he was under the influence of alcohol.
3. By way of mitigation, Niall Skinner stated that he:
4. contacted the Officer in the Case the next day and apologised both to the police and Hotel staff member;
5. reported the matter to the Bar Standards Board within days of the incident;
6. informed his Head of Chambers and Chambers Manager;
7. stated that he had never been in trouble with the police before and was ashamed of his actions; and
8. said that the matter was unconnected to his professional work.

**Decision of the IDP on charges**

1. On the evidence, the IDP found charge 1 proved as to CD5, but not in relation to rC8.
2. In relation to CD5, the Panel took into account the conduct upon which the police caution was based and the admission of the charge by Niall Skinner and decided that this behaviour would diminish the trust and confidence the public places in the profession.
3. In relation to rC8, the Panel took into account all the circumstances and did not consider the conduct demonstrated a lack of integrity on Niall Skinner’s part.

**Sanction**

1. In considering a sanction against Niall Skinner in respect of charge 1, the IDP had regard to the Enforcement Strategy as well as the Bar Tribunals & Adjudication Service (BTAS) Sanctions Guidance (the Guidance) (January 2022) and in particular, the misconduct group, E, Criminal convictions – Page 49 of the Guidance.
2. The Panel looked at culpability and harm factors in Group E in determining seriousness, in addition to the general culpability factors at page 79. The Panel noted there were few culpability factors and limited harm to members of the hotel staff. The Panel also noted the inappropriate nature of the language used in a public place, but considering all the matters together, decided that the conduct was in the lower range of seriousness.
3. The Panel had regard to the sanctions guidance and noted that it suggested that this matter fell into the lower range of appropriate sanction for this conduct – being a low to high level fine.
4. The Panel went on to consider mitigating and aggravating factors. In terms of mitigating factors, the Panel took into account the following factors: that it was a one-off incident; the remorse and insight shown by the barrister at an early stage; that the barrister apologised to all concerned for his behaviour; that he self-reported promptly; that he took voluntary steps to remedy the breach; the unusual personal circumstances of the barrister; that he was of previous good character; and that there was nothing to suggest the conduct was likely to be repeated.
5. In terms of aggravating factors, the Panel considered the nature of language used in front of staff and members of the public.
6. The Panel considered a low fine was appropriate - that is, a fine of up to £5000.
7. Taking into account the above mitigating and aggravating circumstances, along with Niall Skinner’s financial position, the IDP fined him in the sum of £2500 in relation to charge 1, to be paid within three months of the date of acceptance by Niall Skinner of this decision.

**Decision of IDP on sanction**

1. The IDP imposed a fine of £2500 to be paid within three months of the date of acceptance of the decision.