

Private and Confidential

Response from

Gordon Lyons MLA

to the Commissioner for Standards Report

Date: 26th September 2025

Thank you for the opportunity to respond to the Report by the Assembly Commissioner for Standards on complaints made against me.

I wish to take the opportunity to respond in writing and to appear before the Committee.

At the outset, it is first important to note that this complaint should have been inadmissible. I was not posting in a Ministerial capacity. It was clearly a constituency issue, and I was speaking as a constituency representative.

I have attached correspondence from the Permanent Secretary that confirms that was his understanding and in response to the Commissioner's claim that "*As a Minister, he has access to the advice and support of the civil service to assess the risks and potential implications of public communications, and it would have been prudent for him to have made use of that support*", he has confirmed that this would not have been the case.

It is notable that the Commissioner did not seek to establish whether I was speaking in a Ministerial capacity, nor does it appear that she sought advice from my department or from anyone else in relation to this matter.

In regard to the substantive points she makes, I will address them below.

1. *However, on balance I believe that his post may likely have had the opposite effect, heightening tensions and exacerbating an already contentious situation.*

The Commissioner made this outrageous and outlandish claim and has provided zero evidence for it. She had not spoken to anybody on the ground locally or did any work which would have established whether the post had the alleged effect, nor equally did she do any investigation to determine whether the post had its intended effect. This is simply speculation on behalf of the Commissioner.

2. *"The post lacked any expression of empathy for those affected, falling short of the expected compassion and leadership that should be demonstrated during a crisis."*

The Commissioner is introducing a completely subjective test in terms of leadership. I have argued that my concern was preventing unrest and getting the message out, as had been requested by the PSNI. There is no reference in the Code to 'expected compassion' nor should this be attributed as a test against the Code.

3. *"The omission of key known information, such as the presence of over 100 swimmers, including children, from Larne Swimming Club at the time of the protest, gives the impression that public safety was not fully considered or prioritised."*

This is very odd. The purpose of the post was to ensure that trouble was avoided. I was concerned about the potential for violence and sought to dispel misinformation that could fuel it. The Commissioner's assertion ignores the factual context: my post was drafted to clarify that the individuals in question had been moved out of Larne Leisure Centre (LLC), thereby reducing the rationale for any protest. To suggest that omitting details about swimmers implies a disregard for public safety is a non sequitur. Public safety was precisely the motivation, as evidenced by my coordination with the PSNI via Councillor McKeen. Under the Ministerial Code of Conduct, Rule (iv) requires adherence to the Nolan Principles, including leadership, but it does not mandate exhaustive disclosure in every communication. The Commissioner's interpretation imposes an extra-legal standard not found in the Code or the Northern Ireland Act 1998, which underpins the Ministerial Code.

4. *"It criticised public bodies (Northern Ireland Housing Executive and PSNI) for not consulting DUP representatives despite no requirement to do so, risking undermining public trust in institutions. The message redirected scrutiny or accountability to the Northern Ireland Housing Executive and risked shifting public anger or blame toward them"*

This is an absurd statement. Firstly, because it isn't true. There was no criticism of these public bodies in my post. It was a simple statement of fact: *"As a local MLA for the area, neither I nor my DUP Council colleagues were made aware or consulted with on this decision until late this afternoon."* This is a neutral recounting of events, not a critique. The Commissioner's extrapolation that this "risked undermining public trust" is entirely speculative and unsupported by evidence. Media reports from the time, such as the BBC article dated 12 June 2025, confirm that the post was seen by some as factual clarification amid misinformation, not as an attack on institutions. Even if interpreted as criticism, the Human Rights Act 1998, incorporating Article 10 of the European Convention on Human Rights, firmly protects the right to freedom of expression for public representatives. The Commissioner's view that such statements could "shift public anger" toward the NIHE is conjecture; no evidence from witnesses or data on public sentiment is presented. This breaches the principles of justice and procedural fairness, as I was not afforded the opportunity to rebut this specific inference during the investigation.

5. The post blurred the line between Ministerial, MLA, and party-political roles, raising concerns about politicising a safeguarding issue.

This demonstrates a worrying misunderstanding about the role of public representatives and risks setting an alarming precedent for all MLAs. The Commissioner is wrong in saying I was acting in a Ministerial capacity. The post did not blur lines in any way. I was speaking as a local MLA for the area, as explicitly stated in the post itself. The Ministerial Code applies to actions taken in a Ministerial capacity, as per Paragraph 1.1 of the Code, which states: "The Code sets out the standards of conduct expected of Ministers in the discharge of their duties." This was a constituency matter, responding to local unrest, not a departmental policy announcement. Correspondence from the Permanent Secretary, as attached, confirms that civil service advice was not sought or required, underscoring the non-Ministerial nature. The Commissioner's failure to investigate this threshold issue renders her findings ultra vires.

6. *However, in my view and on the balance of probabilities, the post likely had the opposite effect. Rather than defusing the situation, it may have heightened tensions and contributed to further unrest.*

Yet again, the Commissioner fails to give any evidence for her assertion. This is purely conjecture and a personal opinion rather than based on fact. There is no one that she interviewed or attempted to interview to get any clarity on this. The “balance of probabilities” standard requires evidential support, yet the report cites no empirical data, such as police reports on protest escalation or witness statements linking the post to unrest. PSNI records, as referenced in Reuters (12 June 2025), attribute the violence to broader anti-immigrant sentiments following the 9 June vigil, not my post. The Commissioner’s reliance on modal verbs like “may have” and “likely” indicates uncertainty, falling short of the required standard under the General Procedures Direction for Commissioners.

The Commissioner has also contradicted herself. She has found that there was coordination between my office and the PSNI yet laments the lack of coordination! She says the post required “more thoughtful communication” but also states that the “post was not made in haste, rather it was deliberate and considered”. This internal inconsistency undermines the report’s credibility.

7. *“It is clear to most readers of his message that it included no expression of empathy”*

The Commissioner has again expressed an opinion that is unsubstantiated. Who are these “most readers” and when where they asked? My later post at 21:06 on 11 June 2025, condemning the attack on LLC, demonstrates leadership and empathy: *“The violence and disorder witnessed on our streets over recent nights serves no purpose. Wanton destruction such as the attack on Larne Leisure Centre is an attack on all residents who use the facility.”* This holistic view of my communications was clearly and perhaps intentionally ignored.

8. *This was an omission that, whether intentional or not, carries real weight. Ministers are expected to lead with compassion, particularly in times of crisis. Demonstrating empathy is not a courtesy; it is a fundamental part of responsible leadership. In moments of distress, the public looks to those in authority for reassurance and humanity. That was missing here, and it matters.*

The Commissioner is again expressing her opinion. There is no sound basis for her pronouncements. The Code does not define “compassion” as a mandatory element in social media posts. My intention, as stated in the interview, was to “calm down the situation” by providing accurate information. To impose a retrospective empathy test is arbitrary and exceeds the Commissioner’s remit under Section 7 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011.

9. *By confirming that vulnerable individuals had stayed at LLC, the post revealed a specific location linked to a group already at risk. In my view, this increased the likelihood of further attention or unrest, regardless of whether that group of people had already moved on. Although Minister Lyons was not the first to share this information and he had been asked to get the word out, he is the Minister for Communities and his messages carry greater weight than those of other individuals not in a similar position of power.*

The Commissioner clearly misunderstands the meaning of the word ‘reveal.’ I did not reveal the information. It was already in the public domain as she points out. It was well known. It was also confirmed by the council and a media outlet, such as Love Ballymena’s X post at 15:44 on 11 June 2025. Yet again, the Commissioner gives her view, that this “increased the likelihood of further attention or unrest”, however she gives no evidence to support her opinion. The PSNI’s request via Councillor

McKeen was precisely to disseminate this clarification. To hold me accountable for “greater weight” ignores the collaborative context.

10. A person reading the second sentence, and aware of the views of many of Minister Lyons’ constituents, could reasonably conclude Minister Lyons and his DUP Council colleagues would have expressed disapproval of the decision had they been consulted. This could inadvertently sow mistrust in public institutions and shift the focus from a humanitarian response to a political grievance. At a time when unity and public confidence were critical, this approach risked deepening division rather than supporting community cohesion.

The Commissioner again has indulged in giving her view but has provided no evidence to support her claims. This is hypothetical reasoning based on assumed constituent views. The Nolan Principle of Objectivity requires decisions based on merit, not speculation.

11. The third sentence of his post “It has now been confirmed to us by the PSNI and Council that all these individuals are in the care of the Housing Executive and have been moved out of Larne” affirms that the individuals were in the care of the NIHE. This was unwise of Minister Lyons to include, because it was operationally revealing, politically sensitive, and lacked humanitarian focus. It risked escalating tensions, undermining trust, and sending the wrong message in a moment that required empathy and discretion. Additionally, the PSNI confirmed to me that this was never something they had expected or requested be known or said when they asked the DUP to “get the word out”.

That those affected were in the care of the NIHE was not a revelation. It was not operationally revealing, nor politically sensitive or lacking in humanitarian focus. The NIHE’s statutory duties under the Housing (Northern Ireland) Order 2003 are public

knowledge. The Commissioner has not set out how it risked escalating tensions or undermining trust, nor has she explained what the “wrong message” was.

12. The fourth sentence, “Protesting is of course a legitimate right but violence is not and I would encourage everyone to remain peaceful”, is problematic. Protest is a legitimate form of political expression, but not at all times and all places. A person reading this, aware that there was a protest scheduled for 7pm at LLC, might reasonably conclude that Minister Lyons did not disapprove of the protest occurring at LLC, provided it did not turn violent. In the circumstances, the reference to non-violent protest was wholly unrealistic because Minister Lyons was aware that there had already been two nights of violent protests. It was entirely foreseeable that violence would occur in the event of more protests, particularly when his office was asked by the PSNI to make clear that the people affected were no longer in LLC, presumably due to PSNI concern about disorder. He also knew there would be over 100 people, including children, swimming there yet was content to encourage protests he could easily have foreseen would become violent (as they did).

This analysis completely misrepresents my words. I did not “encourage protests”; I affirmed the right to protest while explicitly discouraging violence. Article 11 of the ECHR protects peaceful assembly, and my statement aligns with that. The Commissioner’s claim of foreseeability is hindsight bias; police resources were limited but my post aimed to de-escalate the situation by removing the pretext for protest.

13. In failing to mention or include anything in his post about the over 100 swimmers, including children and elderly people, who were expected at the Larne Swimming Club at the time of the protest, which he knew approximately three hours prior to posting his message, gives the impression that public safety was not fully considered by Minister Lyons. Whether this omission was

intentional or not, it could have made an already tense situation more dangerous.

As previously addressed, the post's purpose (as requested by the PSNI) was targeted clarification, not a comprehensive briefing. My knowledge from [REDACTED] email informed my urgency to dispel rumours, prioritising safety through information.

14. By speaking as a Minister, a local MLA, and a party representative all at once, the post blurred the line between public duty and party politics. This can make public statements appear politically motivated rather than focused on community welfare.

I identified solely as "a local MLA," not invoking Ministerial authority. The Commissioner's conflation is erroneous.

15. Given the serious and sensitive nature of the situation, Minister Lyons would have been wise to seek a second and perhaps third opinion on the wording of the post prior to posting.

This is advisory, not a finding of breach. I reviewed and refined the post, demonstrating due care and did so based on communication from the PSNI. In my entire political career, this is the only time the PSNI has asked my office to post anything and the Commissioner has clearly ignored the significance or weight this would carry for any MLA.

16. Finally, I do not agree with Minister Lyons' view that the comments made by his Assembly colleagues constituted a "political pile-on." I believe the post invited criticism as it lacked empathy and failed to prioritise public safety and community cohesion in a time of crisis. I note that the Northern Ireland

Secretary of State, the Rt Hon Hilary Benn MP, remarked that “we all have a responsibility to act in a sensible way in these circumstances” and suggested that Minister Lyons should “watch his words” and “reflect on what he said.” I consider this to be a fair and reasonable observation from the Secretary of State.

Political criticism does not prove misconduct. The Secretary of State's comments were general; my post was sensible and factual. Once the facts were quickly established, the allegations towards me by all those who had sought the political opportunity to join the pile-on stopped almost immediately. The Commissioner has not considered this at all, nor should it be the role of a Commissioner to determine the credibility of political points or positions.

Conclusion

The findings by the Commissioner recycle earlier speculation. No breach of Nolan Principles is evidenced; my actions were objective, accountable, and in the public interest by countering misinformation. The “distancing” inference is unfounded.

Rule (vi): Operate in a way conducive to promoting good community relations and equality of treatment.

The analysis above demonstrates that Minister Lyons did not exercise due care in his communication. He ought to have given greater consideration to both the context and the wording of his message, and he should not have endorsed a protest in circumstances where the risk of violence was, at the very least, reasonably foreseeable. His approach, in my view, fell short of promoting good community relations and of upholding the principle of equal treatment.

I did not endorse protest; I promoted peace. Rule (vi) requires promotion of good relations, which my clarification advanced by reducing tensions. Equality of treatment was not implicated. The Commissioner has also not sought to demonstrate or investigate what positive impact the post may have had. It is equally impossible to

speculate as to how the post “*contributed to further unrest*”, as it is to prove that it mitigated further unrest.

In the Commissioners letter to me dated 8 August 2025, on the findings of fact at point 4, Dr McCullough conceded the following:

“On reviewing the finding itself, I acknowledge it may **be more appropriately expressed as an opinion rather than a finding of fact. I have therefore decided to remove it from the list of facts.**

For the record, in relation to your questioning of the meaning of the finding, **there was no intention to suggest that the violence at the leisure centre was a consequence of your post; there is no evidence to substantiate such a connection.**

I welcome and agree with these comments entirely and therefore remain confused and baffled by the report, which contradicts this sentiment and it highlights that the Commissioner has form in expressing “opinion rather than fact” to use her own words.

The Commissioners conclusions are significantly flawed due to the evidentiary deficits and errors outlined. I maintain my position because it is correct: the post was appropriate, factual, and aimed at de-escalation. The Commissioner’s disappointment is irrelevant; accountability requires fair process, which was lacking.

Her report is riddled with unsubstantiated opinions, contradictions, and overreaches. I reject its findings, which fail to withstand even the most basic of scrutiny.

My actions aligned with the Code, attempted to protect public safety, and upheld democratic principles amid challenging circumstances.

I had responded promptly to the Commissioners requests for interview and information, as it was made clear to me that her time in office was coming to an end and she wanted to complete this report before then. However, the compressed timeframe in which she operates does not give adequate excuse for the quality of this investigation.

It is disappointing that the Commissioner cannot be challenged to respond to my response, however I am willing to assist the Committee with any further assistance required.

Gordon Lyons

26th September 2025