

Mr Shane McAleer
Clerk to the Committee on Standards and Privileges
Parliament Buildings
Stormont
Belfast
BT4 3XX

23rd May 2024

Dear Shane

Thank you for your letters of 10th May 2024 in relation to the Reports from the Northern Ireland Assembly Commissioner for Standards.

I wish to set out a number of points in relation to them.

However, I would first like to express my disappointment at the conclusions reached by the Commissioner and would again reiterate my position that I explained during the investigation by the Commissioner.

In particular I refute any suggestion that I set a bad example for Assembly colleagues and wider society and that my conduct could in any way be interpreted as being “somehow above the law..”, as set out in the report on a complaint by the Committee on the Administration of Justice (CAJ) and Conradh na Gaeilge (CnG).

I would make the following comments in relation to the report on the complaint from CAJ and CnG.

- 1) At paragraph 9, the Commissioner erroneously states: “During the course of this investigation and subsequent to the lodgement of this complaint, a judicial review was taken by Mr Sean Napier against DUP Ministers including then Junior Minister Lyons in relation to the DUP Ministers’ withdrawal from the NSMC.” There was no judicial review against my actions as Junior Minister.
- 2) At paragraph 37, the Commissioner erroneously refers to then ‘FM Mr Givan.’ It is important to note that this complaint was made on 16th April 2021, however Paul Givan was not First Minister at this time and was not appointed until 17th June 2021.
- 3) Also in paragraph 37, the Commissioner states that *“The defence put forward by Mr Lyons that there ‘was no meeting’ and that the meeting was not confirmed is unconvincing.”* This does not take account of the evidence that the Commissioner herself has gathered. In fact there is correspondence from Neil Jackson stating that:

“Mr Lyons returned to the Executive Office as Junior Minister on 8 March. The NSMC Secretariat sought confirmation on 10 March that the date of 31 March scheduled for the Languages sectoral meeting was suitable for him.”

This is supported by emails that the Commissioner had requested during the course of her investigation. They beg the question, that if the meeting was already confirmed,

then why did the NSMC Secretariat think it necessary to ask for confirmation following my return to office?

- 4) I made clear during my interview that there was no party policy of boycotting NSMC meetings at this time, a position the Commissioner initially seemed to understand.

In fact, DUP Ministers attended NSMC meetings following the announcement of the DUP's five point plan, both before and after the date in question. Therefore, I believe that it is not credible for the Commissioner to say that *"it is reasonable to conclude on the balance of probabilities, that Mr Lyons' non-attendance at the Language Body meeting was motivated by the DUP's political position."* The Commissioner does not seem to have asked about this or taken this into consideration during her investigation.

- 5) During the interview, and again during the follow up letter she sent to me, I highlighted the fact that I had actually sought to rearrange the meeting. The Commissioner does not appear to have sought confirmation that that was the case, or if she has, has not included it in the report.

In regards to the report on the complaint against me by Mr Conor Quinn, I would make the following points.

- 1) I was not nominated by FM/DFM to attend any NSMC meeting on 10th November. That was and is my genuinely held belief.
- 2) Regardless, I was not able to attend a meeting on 10th November due to being away on international business.
- 3) I was open or transparent with the Commissioner in relation to these issues and on my position in relation to party policy.

While I disagree with the Commissioner's conclusions and am disappointed with the errors in the report, I welcome the fact that she has concluded her work and that I have an opportunity to respond.

I am also pleased that we have moved past the more politically difficult period of the last few years and we now have made sufficient political progress to allow for the re-establishment of the Northern Ireland Assembly and Executive.

Since then I have entered Ministerial Office again and I am committed to discharging my duties in accordance with the Ministerial Code and to work with others to ensure delivery for people right across Northern Ireland.

Yours sincerely

Gordon Lyons MLA