

Jonathan Bell Audio Tape – Transcribed 05 and 06 June 2017.

Side 1 of Audio Tape

JB	<p>Ringling Tone: Voicemail Message left: Personal information redacted by the RHI Inquiry</p> <p>Hi Andrew, it's eh, Sunday the 11th of eh, December about 15.20, em, I would appreciate it if you could give me a call eh, whenever you're free please, thank you.</p> <p>End of message.</p>
JB	<p>Ringling Tone: Voicemail Message left:</p> <p>Hi Carla it's Jonathan Bell here can you give me a call whenever you're free, thanks, bye.</p> <p>End of message.</p>

New conversation...no introduction...at 1.9 of Side 1 of Audio Tape

JB	For everybody uh, concerned.
AMcC	Concerned, there's no question, yeah.
JB	You know, em and, eh I understand you know, I suppose Andrew there's one thing I'm not going to allow to happen, I'm not going to allow the civil servants to take the blame, particularly when, I can recall, by memory, sort of September/October/November/December, you trying to get this onto the agenda.
AMcC	Yeah.
JB	Em, and the SpAds at OFMDFM particularly Timothy Johnson, preventing Timothy Cairns from putting it on the agenda. You know, em...
AMcC	Yes, oh I know, I remember yep, yep.
JB	You know, and I...

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AMcC	I, I didn't know, I didn't know what was going on behind the scenes, but you know, I...Timothy, Tim Cairns was very clear with me that you know, that he was happy to move and get it closed. Em, but there was others in the party, I know that, that was, that was clear to us at the time, knew that. And I, I've said that to Simon, you know?
JB	Is that documented anywhere?
AMcC	It's not. This is the thing, it's just, there's hardly a thing, em that would point in that direction at all. Eh, he knows one thing, eh you know...(hesitates) people know when to use emails and when not to.
JB	Right.
AMcC	Paul, Paul Priestly taught us all that.
JB	Okay, em I mean there is, I was looking back eh, in, in my notes and there was, there was clearly, I mean, it was first brought to our attention, you guys were very strong round about, was it October/November/December?
AMcC	Must have been a bit earlier, no June, June/July of last year.
JB	Right.
AMcC	Was when it, when the, the, the PAC had submissions Jonathan, they've had, they've eh, we've had to send a load of papers to them. So there's a key submission eh, dated 5 th of July. Eh, it was thereabouts, em, which eh, recommended action. Eh and was, our, our, em, main advice on what to do, and the proposal was to bring in the legislation to restrict the scheme as early as possible, after summer recess.
JB	Right.
AMcC	Now, keep, again I, again I've told Simon and John Robinson this, em, there was a meeting. You and Tim and Chris and I had a meeting, one of the issue meetings...
JB	Yep.
AMcC	In August, and at that meeting it was agreed to delay the closure by a month, okay?

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JB	Right, and...
AMcC	And that was...
JB	That...
AMcC	We, we agreed, listen, we, we agreed that. Chris and I agreed that, we weren't happy but we, we agreed, eh, if we'd known what we know now, we'd have been saying to you, no it's really really essential to close down immediately. But even at that stage, we hadn't got the full point as we weren't as strong as we should have been, but again it was clear to us that this wasn't mainly, it wasn't hardly at all coming from you or Tim it was coming from others wanting another month to keep the thing open.
JB	But is, is...
AMcC	That's quite clear on the record. That is quite clear on the record.
JB	Well, what, what is the record of that that shows that both I as minister and Timothy Cairns were saying, you know, where is, is it a minute or?
AMcC	The track there, the submission has track changes. The final version of the submission, so there's a, a date of October struck out and then a date of November replacing it. Eh...
JB	And who made those track changes, Andrew? Do you know?
AMcC	Well we made the changes, we, officials made the changes but eh, there's annotation from Timothy Cairns that says eh, 'agreed as discussed at the issues meeting'...
JB	Right.
AMcC	And the changes came out of the issues meeting.
JB	Right, but is there details, em, I mean my understanding of those meetings was that eh, basically you and Chris were telling me look, this needs to close em, and that Timothy Cairns was sort of saying look I, I'm not allowing that to go on the agenda or we're not discussing that today. I mean em, is, is, you know, and he said, you know Timothy Johnson's not allowing this issue to be discussed. I mean but is there a minute of that meeting saying that, or is it just...
AMcC	Not in those terms no, no.

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JB	Right.
AMcC	We, em, I think... trying to remember...there might, there may be an email from Chris, no, I...it isn't as clear as it could be 'cause you know, we are, we are, we aren't, that's part of the way things work these days you know.
JB	Right.
AMcC	We don't, the actual to-and-fro of what's really going on very rarely, em, em....goes down on paper, you know?
JB	Yeah, but with all those tracked changed, em, the move from September 2015 to October 2016 for a close, em, I mean you and Chris were there when I mean Timothy Cairns was saying you know, OFM SpAds won't allow us to do this.
AMcC	Yeah, yeah correct.
JB	Is that recorded anywhere, or?
AMcC	No. No it isn't.
JB	So the only way that can be brought out is if you and Chris and myself and Timothy Cairns ultimately are put on the stand somewhere and asked?
AMcC	That's right.
JB	Then we'd have to say that verbally. Okay, just talk me through...
AMcC	But I have said that, I have said that this on Friday, I said that to Simon and to John Robinson so, so, you know, basically they, they're well aware there's more to come, so just....
JB	Yeah. So you said that Simon and John Robinson on Friday past that....
AMcC	Yes. Just, just to what I've said there now, that that eh, I was...one of the things they need to be aware of is that eh, the delay in closing the scheme was a pressure from within DFM SpAds, since that happened, we know what happened.

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JB	Okay.
AMcC	Now, em, we carried a responsibility, officials still carried a responsibility cause we could have been stronger, eh, we weren't as clear as we could have been on a whole range of points, so there's a lot of fault, even, even in that situation, still a lot that we got wrong. But it's part of the mix and you're aware of it...
JB	Yeah.
AMcC	Tim Cairns is aware of it, eh you know, and they need to be aware of it as well, you know?
JB	But the em, I'm just trying to place, so from that time em, so we, we... it was then to be closed in October, what happened in October then, why did we not close? I'm trying to get...
AMcC	Em...well yes October was the proposed date. That was as fast as we could do it, because you needed a month to process, eh, but em...we were persuaded, coming from em, em, others, other SpAds that to put it back a week, back a month. In fact, we went back, because of then the complications of that month, was a bad, you know the eh, McGuigan murder and all that, and the ministerial changes, eh, it went back to the 17 th of November, and of course the significance is that that's when the spike happened, you know?
JB	Yeah, so we put it back to, eh, we came back into office some time in, in end of October was it?
AMcC	Well we, always in, in and out, it was never, never a long period.
JB	That's right.
AMcC	It was just, you know, things stabilised again, eh, later on.
JB	Eh, but when we went back in, not to go, not to go out again, that was sort of October time?
AMcC	Yeah.
JB	And then, so we had a date then set for the 17 th of November?
AMcC	Finally, that's the, that's the final, that was the final date when it actually happened.

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JB	Right. And the pressure, em, and what did we do on the 17 th of November?
AMcC	Well that's when the, that's when the legislation took effect, and the scheme went down into a different tariff.
JB	Right.
AMcC	The highly advantageous tariff ended at that point.
JB	And then the spike took place then after the 17 th of November?
AMcC	No the spike, no the spike was before that, everyone that got in under the wire benefitted from the low, the high tariff. So everyone who applied before the 17 th ...
JB	of November?
AMcC	November. Yeah.
JB	Eh, right.
AMcC	They were booked at the high tariff.
JB	Yeah, so, so, just trying to work this out. So we set a date, eh, the original date was to close in October.
AMcC	Yep.
JB	And the pressure came on from OFMDFM SpAds to close then in November?
AMcC	Give another month yes, that's right.
JB	Right. And is any of that pressure documented anywhere in notes made or any, any sort of formal record of that?
AMcC	No. There is no formal record of that, no.
JB	What it would just be if Timothy Cairns or I are called to some, whatever, PAC or whatever and yourself and Chris, you would have to say...

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AMcC	That's right, we are very clear on it you know, that the, the memory is very clear and straightforward you know.
JB	Straightforward that the OFMDFM SpAds wanted next month?
AMcC	Yes.
JB	Ok.
AMcC	We knew that.
JB	Em, and em so eh, so we, we then sort of November and then, I'm trying to sort of go forward from the 17 th , em of November through to eh, so that we then realised eh...
AMcC	We thought, we thought that would be enough, then the Chief Secretary's letter came and we were blown away. In January/February when you and I were in, in the States....
JB	Yeah, that's when I remember...
AMcC	That's when the, the letter from, the letter from the Treasury arrived and everybody knew the game was up. We were, we were really in a very serious problem.
JB	And that letter from Treasury arrived in January 2016?
AMcC	Yes, that's right 2016, that's right.
JB	And then, you know there was a thing that still hurts me to this day, 'cause you then sent me an email, em, with a trim document on it at the end of January, em....
AMcC	Yes.
JB	Which had been copied to HOCS, em, and I can remember you coming to me and saying to me in the carousel was it of New York airport? Eh.....
AMcC	Yeah, that's right, yeah.
JB	We'd flown from California up to New York and you eh, I, I remember you coming to see me and then I remember Timothy Cairns sort of screaming abuse and you know you should...

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AMcC	Yeah, yeah he was unhappy yeah.
JB	You shouldn't have allowed me to see that email, em and eh, he then sort of banned you for 24 hours for having copied....
AMcC	Yeah it was a, it was a tough time, yeah it was a very rough day that was like, it was very hard.
JB	Em and then the next day em, you'd sent me another email to say, look I've got Tim's email back, eh, this is a revisionist history or whatever it is, and you said look I'm happy to discuss but what I've said is on the record. And then you came back to me that night and said I think we have a way of resolving this. Em...
AMcC	Yeah.
JB	And then we then took legislation to close the scheme at the...
AMcC	Yes that's right.
JB	At the, eh, you know, em. When did I, I'm trying to work back through the records when, 'cause I'm going to be asked these questions, when I gave the instruction to first of all close, I know Arlene then asked me to re-open it, but I then told you, you came to me very strongly at the end of January...
AMcC	Yes, that's right.
JB	And told me, unless I issue you a ministerial instruction, em, that that eh, you wouldn't, eh, you wouldn't continue the scheme, em and you were right to do that, eh I refused to issue a ministerial instruction and we agreed to close, em. Did we announce we were closing it then?
AMcC	Yes, that was when, that was when eh, Sinn Fein put the pressure on and said eh, you know, don't even hesitate here. They, they, they were the ones who argued against any consultation process. The, the, and the cutting out the committee, you know cutting out every, every, all, they went into, understandably you know, a need to move with exceptional speed.
JB	Yes.

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AMcC	You know and that's, that's what happens, em...
JB	So we, we then...
AMcC	That was all, that was all just around that time, yes there was, there were lots of tough discussions.
JB	End of January/beginning of February. So we then made the decision...
AMcC	Yes that's right.
JB	We then made the decision to close.
AMcC	Yep.
JB	And then I can recall having to fly to Canada, with Bombardier...
AMcC	That's right yep.
JB	You were, you were with me on that trip, but were you?
AMcC	No I didn't, I didn't go to Canada with you, no.
JB	That was just Andrew on that one that's right. Alastair and I sort of...
AMcC	Just, just Jim Alastair, yeah.
JB	And while I was out there, eh, we had, we'd announced that we'd closed the scheme, or the scheme was em...
AMcC	Yes.
JB	And while I was out there I got information from Timothy Cairns that Arlene wanted the scheme extended by two weeks, alright. And then I, my recollection is that I, I then refused to close it and then I came back from Canada, flew through the night on the Monday night and was ordered to go to the First Minister's office before questions at 2 o'clock on the Tuesday. I'd only got back to Belfast at 11.20. Em, I was ordered to see the First Minister and Arlene then told me that em, she was overruling and the scheme was to be extended by two weeks. Em...
AMcC	Right yes, that was, I think that was em, practical because of the eh, I think that was a compromise on, on a point about em, the balance

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	between urgency, urgency to close, said do it as fast as possible, and then there was a, there were considerations of...
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Side 1 of Audio Tape finishes at this point (15.7).