

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

Side 2 of Audio Tape ends at 17.0.

Key: JB = Jonathan Bell / A McC = Andrew McCormick

Speaker	Dialogue
	General chat which is difficult to make out
Another	(unclear) got to be very careful what our motivations re...and we're not going to allow (unclear).
AMcC	(unclear) integrity, and eh, that's absolutely totally central from my point of view you know.
	Further unclear conversations.
Another	(unclear), truthful, accurate and informing (unclear).
JB	So the, these legislative changes, I decided...
AMcCC	This is restrict, this wasn't closure, this was restriction business.
JB	Aye restriction of the tariff, lowering of the tariff.
AMcC	See Janette O'Hagan's point about five minutes to research and understand this, the tariff being too high.
JB	Yeah.
AMcC	Nobody knew that until June of this year. Right through the whole closure process, I knew something going wrong.
JB	Yeah.
AMcC	But, we didn't actually know why. Now that's at one level incredibly stupid for instance standing there, I bet you, I bet you every punter who was applying to the scheme knew what was wrong and we didn't.
JB	Yeah.
AMcC	That the tariff was 5.9 and across the (unclear) it was 4.2, so therefore, you know, the more you burn the more you earn. But that penny hadn't dropped. We were consumed with detail. So nobody knew that. Had I known that on the 5 th of July I'd have been saying to you, you just have to close this as fast as possible. We...
JB	And like why, why...

Speaker	Dialogue
AMcC	We acquiesced, so, so Chris and I sat there with you on the 24 th of August, there was pressure, we didn't like it, we felt uncomfortable, but we didn't fight 'cause we didn't realise how bad it was.
JB	So I, I'm going to..
AMcC	I'm being totally honest.
JB	Yeah. But when this came, I remember coming to you, em and I said we'd reduce, eh, the tariff on the 14 th of October.
AMcC	It's the 1 st of October.
JB	Sorry.
AMcC	(unclear).
JB	So I agreed to close it on the 1 st of October.
AMcC	Yes.
JB	Ok, I...
AMcC	That was the recommendation.
JB	That was the recommendation which I approved and signed.
AMcC	No, no er these changes were agreed at the issues meeting. The thing was tracked and changed and there was, the, the changed version was agreed.
JB	Ok.
AMcC	Ok.
JB	But the reason we went from 1 st of October to the 4 th of November was what?
AMcC	It then became the 17 th , that's later. So 4 th of November was what was agreed, we then slipped it further.

Speaker	Dialogue
JB	To the 17 th
AMcC	To the 17 th because of (unclear).
JB	This is a critical point that we're going to be asked on.
AMcC	Yeah.
JB	Eh, and my understanding of that was Timothy Cairns was informing me that Timothy Johnston from OFM, special advisor, was informing him that it had to be put back by four weeks.
AMcC	That's, that's my clear recollection with Chris Stewart's and, and that's not disputed.
JB	Right ok. There's no dispute from you as permanent secretary, or the deputy permanent secretary that OFM's SpAd, Timothy Johnston telling us...
AMcC	We don't, I don't recall at the time Timothy Johnston being there, but it was party colleagues or other SpAds.
JB	Or SpAds, but other SpAds outside my department were informing us that we had...
AMcC	Tim said to us he didn't give a fig for the scheme, he would have closed it down like that.
JB	Right.
	Jonathan talks over AMcC, so unclear what is said.
JB	Timothy Cairns, my special advisor, was, but he was being informed by other DUP, (unclear). He told me the First Minister's SpAd was telling him it had to be kept open for four weeks. Now in this gap between the high tariff and the ultimate low tariff of the 17 th December, what's, how many applications came in during that period?
AMcC	I think the number, it about, it's getting on for half the total, nearly a thousand in that six week period.
JB	What is the total?

Speaker	Dialogue
AMcC	The total is 2100.
JB	2100 came in.
Another	Probably 1000, 2000.
AMcC	I can get you those numbers.
JB	Yes.
Another	It'd be helpful if you could (unclear).
AMcC	No harm, no harm at all.
JB	Am I allowed access to the people that, the names of the people that came in during the period when I was minister?
AMcC	No, not names, well I think as a former minister no. If the, if the current minister was asking for names I would give him the names.
JB	But I'm not allowed...
AMcC	No, no I don't think you're, I'm not giving you those, because you're now eh a member of the Assembly and I well, I wrote to PAC, the PAC, sorry, the party announced today that they were now writing to all the applicants.
JB	Right.
AMcC	To seek their consent, to release their names, whether they're an individual protected by data protection or a business protected by a privacy agreement.
JB	Right.
AMcC	In the terms and conditions of the scheme there's a privacy agreement.
JB	There, there is. So what, what I, what I'm trying to, if somebody says to me, do you know? I can say they were never given to me.
AMcC	No, no, I know they were never given to you.
JB	It can do me no harm, and now I have asked to see those, but I'm being told that under the data protection...
AMcC	Data protection and privacy, eh the procedure that is given to you.

Speaker	Dialogue
JB	So if you were on a, you and I are, we're going to be called before the PAC, eh and they say to you, well why did you change from the 1 st of October ultimately until the 17 th of November, what do we say? What do you say ultimately?
AMcC	Well to be totally honest with you, I'd be saying I was aware that there were discussions within the party and the ministers and the special advisors had been asked by others within the party to keep it open (unclear), that's the truth.
JB	Yep.
AMcC	When all else fails...
JB	Yep and ultimately, you, I'll answer...
AMcC	(unclear) multiple half truths.
Another	Were you at any time led to believe that Timothy Johnston, or anybody else, was acting on behalf of the current First Minister at that time?
AMcC	Eh, well sorry, that's what you're always assuming, that they, they've got no role other than on behalf of the First Minister, that's, that's what a SpAd is.
Another	So at the particular time you might have been reasonably assuming that... (A McCormick speaks in over top of response so unclear).
AMcC	Well, you, you never know to what extent a SpAd is anticipating something in, in, in, as to the right thing to do and knows that if he asked, the first minister would agree with him. Now you never know whether it's that or whether it's direct instruction from the minister, and that's, you tend to rely on. When I was the (unclear) Edwin Poots, you know, Philip, I knew was close, close enough to Edwin, that if Philip said it, that would be right. I would, very rarely would they disagree, so you just worked on the basis that if a SpAd says it, it's as if it's coming from the Minister.
JB	Yep. 'Cause I mean I'm quite clear, what Timothy Cairns told me was eh that eh Timothy Johnston, OFM SpAd, had said this was to be kept open.
AMcC	Yes.
JB	And that's what I'm (unclear)...
AMcC	Yes.

Speaker	Dialogue
JB	You know that, if somebody asks the question that's what I respond. Em, because eh, up to 1000 applications came in. What's the cost of those applications?
AMcC	Ok, well there's the two weeks between the 4 th November and the 17 th , when they bottom out, exactly why that, I think we think that was delay in approval.
JB	Right.
AMcC	So that's, not political, that's, that's official, probably, but I need to get....
JB	But ultimately that approval would have been had been signed off by Arlene, in the Department of Finance, between the 4 th of November and the 17 th November.
Another	Where was she at the time?
JB	She was in finance. She didn't come to leave the Department of Finance until January.
AMcC	January '16.
JB	January '16. So, in the, so we, so yep, em, so we eh. So we, we went to (some unclear cross conversation and laughter), your diary, laughter, eh no, just so that I'm clear. We went from the 1 st of October, set the 4 th of November, we think there was problem with DFP or an issue there and they signed it off, or whatever, for closure by the 17 th of November, Andrew Crawford...
AMcC	During that period, during that period was that massive spike.
JB	During that period....
AMcC	But we, we didn't see it coming and eh, unless we thought about the tariff point, the sheer simplicity of that, well the penny didn't drop.
JB	Yep. You sent me an e....
Another	It dropped for somebody.
JB	You sent me an email...
Another	It dropped for a thousand people.

Speaker	Dialogue
AMcC	Yep, that's right, it did absolutely.
JB	And the instruction I want to check out with the First Minister at the time who was Peter Robinson, I will check this out, em the instruction, eh came from his SpAd that this be kept open.
AMcC	Yes.
JB	And I just wanna check that he'd know that.
AMcC	You know, again...
JB	That's what I would seek to discuss.
AMcC	(unclear) in time again, there was no evidence of this, and nobody said this at the time, but we thought it was more Andrew Crawford than Timothy Johnston, and so I was quite surprised when you said, mentioned Timothy...
JB	Yeah, yeah.
AMcC	That's, that's true, as I said I have no evidence of that, as I said before, it's not usual.
JB	But, but my evidence it came from Timothy Cairns, he was saying to me that he wanted to keep it opened. But Andrew Crawford, where's where's the evidence for Andrew Crawford being there?
AMcC	There was no evidence.
JB	But, but you just suspected that was the thing within the department?
Another	Would Andrew Crawford have had the ability to overturn Timothy Cairns?
AMcC	Well strictly speaking, no.
Another	Whereas Timothy Johnston would?
AMcC	Again, yes that's right (unclear).
JB	I remember we had a conversation once and I was trying to overrule OFM and you told me at that stage, they're a more, what was it, powerful department than us?
AMcC	That's right, that's right.

Speaker	Dialogue
JB	So we had to fall in with the, the, therefore when my SpAd said...
AMcC	Well actually, it comes down in the end to collective responsibility and that fact that in the end, the, the party, the executive, could ultimately only speak with one voice and work out in the end.
JB	Well the, the one I wanted to look at was, you sent me eh, an email, it must have been from New York, when you were getting off the plane.
AMcC	Yes.
JB	And, I've still got that email, but you sent me an attachment with it to a Trim document, but I don't have the attachment.
AMcC	Right.
JB	Can you get me that email of the 22 nd of January?
AMcC	22 nd of January, yes, I'll get you that, yes.
Another	That's with the, the attachment?
JB	The attachment, yes.
AMcC	Yes.
JB	Can you get me that now?
AMcC	Eh, um I don't know if I can get it immediately but (unclear)
JB	Can you send it to me or will I (unclear)
AMcC	Same terms as this probably, if you don't mind.
JB	Aye, no I, I'm happy enough to come in and write it out and all this. There's no way you could check tonight could you?
AMcC	Eh, I can...
JB	'Cause I'd rather, I, I don't really wanna come back in the morning. Leave it for me and I'll be here this afternoon, I'll give you a ring on your mobile when I've gone through this.
AMcC	Yes, please do, please do, yeah, um...
JB	Alright.

Speaker	Dialogue
AMcC	As I say (unclear)
JB	(Unclear) what time are ...
	Conversation which is difficult to single out speaker/what is being said.
JB	20, 26 th January and then, who, sorry, and he changed his mind, who is one where, eh, there's you telling me that this HOCS (unclear) I'll send you this email, the one between Timothy Cairns you said (unclear)..
	Other unclear comments (laughter)
AMcC?	I didn't say that...
JB	And, and I'll tell (unclear) you actually (unclear) throughout, you acted professionally, right but you were shouted at, and then, they eh, he then sent you back (unclear) divisionism eh, and then you sent an email back saying look, I'm happy to discuss this with you, but what I say I stand over.
JB	Just these three emails, the 22 nd January, and the Trim document.
	Break in conversation, movement in room. AMcC appears to leave the room.
JB	Aye.
Unclear	Unclear.
JB	Eh, no, they sacked him.
Unclear	Unclear.
JB	Em, and eh, they, they I mean they sacked him, and now works for eh, Community Transport NI and recently in the last four weeks, (unclear).
Another	Serious?
JB	Serious.
	Further unclear whispered conversation between Another and JB. Mention of Cairns and Stephen Brimstone.
JB	They eh,
Another	Yeah.

Speaker	Dialogue
Another	Come on ahead Andrew.
	Unclear conversation.
JB	Right, I just...
AMcC	(unclear) briefing, (unclear) no new policy (unclear).
JB	I need those Trim documents. You emailed it to me...
Another	Would you mind (unclear) would you send.
JB	I can send that to you directly, aye...
Another	I probably haven't (unclear) I just (unclear) but to follow.
JB	If I give you the email that's in the Trim document number....
AMcC	Yes.
JB	And everything on it, and there's no reason I can't see that.
AMcC	No reason in writing (unclear)...that's under the direction and control of the ministers at all times. Em, as you'll understand.
	Unclear (laughter).
JB	Is there somewhere I could go that has WiFi?, I'm using my data.
AMcC	Em.
JB	But I could probably try and get my Ipad em, eh and I get the Trim number. That would be helpful if I got that?
AMcC	It would be yes.
JB	Let me go out to the car and get the Ipad.
AMcC	Sure.
JB	And if you could get me somewhere that has WiFi.
AMcC	(unclear) the WiFi works, eh (unclear).
JB	I'm going to go out to the car and get my...
AMcC	Password for this...

Speaker	Dialogue
JB	I'll get my lpad (unclear).
JB	Tell me this here, the, that issue, Chris Stewart where he said there wasn't (unclear) he came to see me, as Deputy Permanent Secretary, you remember that?
AMcC	Ah yes I do.
JB	And he came up, one to one, and he said, Jonathan, I have to tell you this, 'cause you're minister in this department, without your knowledge your own special advisor Timothy Cairns, is seeking to cleanse the record under instructions from OFM, who was then Arlene, em, cleanse our departmental record of any reference to Arlene in my, in keeping the scheme open or having the scheme extended. I mean where, where is that, did I miss that, that, or is there a note of that to that effect, or...
AMcC	No, (unclear).
JB	OK.
AMcC	Because the record was expunged.
JB	Was the record expunged? Who expunged the record?
AMcC	Eh, dunno.
JB	Or maybe Cairns did?
AMCC	(Unclear). However the submission of the draft eh, the irony is that the effect on this now means that you get all the credit for having acted decisively to disclose it.
JB	Right.
AMcC	So, it's...
JB	Unclear.
	Laughter
AMcC	It's, it's a story, you couldn't make it up. Em (unclear).
JB	But do you have the original and then that one? Well can I see the original then?

Speaker	Dialogue
AMcC	Eh, I don't think I can show it to you because it never went to you. I can only show you papers you, you saw at the time.
JB	Ok. So...
AMcC	Strictly within the rules.
JB	Is that, is that, is that...
AMcC	The rules, the rules, you can only see, you can only see the things you saw at the time.
JB	I not gonna argue an expert, but I reckon as a child Andrew you read the Monopoly board instructions, you know, on Christmas day. (laughter) I reckon you were one of those wee kids that read them and was like no you can't do that. Right, em. But again the PAC Committee, can they get it?
AMcC	They need to ask for it, they could ask for it, yeah.
JB	Right, so they could ask for...so if an email was to come to me...
AMcC	A submission, a formal submission.
JB	A formal submission was to come to me, was seen by my special advisor...
AMcC	Yes.
JB	Is that right? My special advisor then decided that he was gonna cleanse the record of Arlene and her involvement with the project?
AMcC	The, the, the paper that was changed was a submission from Chris Stewart to you. It should, it should have been in this pack, but doesn't seem to be.
JB	I need to get that.
AMcC	The final version was from Chris. I thought it was this one. The 3 rd , 3 rd of February, I think I have, in my mind, (unclear).
JB	Just talk me through this. So Chris Stewart sends me an email, the final submission. So, he sends it to Timothy Cairns my special advisor, and there's a reference to Arlene's involvement trying to get to this to..
AMcC	To OFMDFM and, and DFP as departments.

Speaker	Dialogue
JB	Right, the OFMDFM...
AMcC	And to, not to the ministers.
JB	And the DFP as departments interfere with the process.
AMcC	Following the discussion with them, the, the, basically the, the, the original version said the decision to proceed in this way, to proceed without consultation, had been taken following discussion with OFMDFM and DFP, the revised version said you have decided, so it meant, it meant, you as (unclear)
JB	Right and what, what way were we proceeding on the 3 rd of February at that stage?
AMcC	Well that was where we were eh, not having consultation or even committee process.
JB	Right.
AMcC	And, as you, as you know, that, that was because Sinn Fein was so insistent they wouldn't do it otherwise, they, they'd seen how bad it was, and this was actually quite personal.
JB	OK.
AMcC	But while they, while they weren't prepared to be associated with it on the record, I, I couldn't see any reason for them not to be.
JB	But at that stage, OF, I suppose, DFM side, so on the 3 rd of February, em, the decision for me to proceed, em, there was a document that showed that eh, OFMDFM and the Department of Finance, as departments, had been part of this decision, and then my understanding from the meeting with Chris Stewart was that, again, Timothy Johnston had asked for my Timothy Cairns, to expunge the record of all reference to OFMDFM or DFP (unclear).
AMcC	We only have Timothy Cairns involvement in that.
JB	So, Timothy Cairns came to...
AMcC	Chris.
JB	Christ Stewart as Deputy Permanent Secretary, and instructed him to cleanse the record of any reference to OFMDFM and the DFP as a department?

Speaker	Dialogue
AMcC	There is an email trail to that effect, yes.
JB	There's an email trail....
AMcC	That shows that.
JB	Right, and that...
AMcC	It refers to the fact that you were the sole decision maker.
JB	Right, it refers to the fact, ok. So there's (unclear).
AMcC	The post truth of (unclear).
JB	Yeah, but there, there...
AMcC	Post truths (laughter).
JB	Eh, look, but, when Chris came to see me he was doing it as per civil service rules, informing the minister that the special advisor had cleansed the record or was trying to cleanse the record?
AMcC	Em, I don't know, I don't know at what stage, I don't know if that was before or after.
JB	Right, but was seeking to cleanse the record of all references to OFMDFM?
AMcC	Yes.
JB	Em, and if you're asked I can't see those emails can I?
AMcC	I, let me check that out. I don't, I don't think so.
JB	Could, could you just check (unclear).
AMcC	I will (unclear), but I don't think so.
JB	But ultimately if you guys were asked at the PAC (unclear).
AMcC	If this came out, if somebody asks precise enough, eh, or was persistent enough, you know, people are aware of the large number of FOIs are not cleared.
JB	Right. How many FOIs are not cleared? Masses?

Speaker	Dialogue
AMcC	A lot more DUP problems than any other problems to be honest.
JB	Right, ok. But are we talking dozens or hundreds?
AMcC	No, dozens yeah.
JB	Well look, what em, I'm trying to work out, so will you check and see if I can see those emails?
AMcC	Yes. In the great scheme of things that point didn't in the end matter because the closure happened, and needed to happen as fast as possible had, and had, if we'd known, if we'd known then what we know now, we'd have been panicking even more.
JB	But here, yeah.
AMcC	It goes to more a point of principle in relation to relationships and the understanding, which was, which were fraught, there's no point denying they were fraught and difficult relationships, but it didn't, in this, in this issue it didn't change anything.
JB	But here's the point for me.
AMcC	Yeah.
JB	Right. I, I came in to the department on a first day brief, I don't think you told me there was a problem with, with RHI.
AMcC	'Cause at that stage there wasn't.
JB	There wasn't, and then we come around about July.
AMcC	Maybe in June but yeah.
JB	July, that's that's when we're following the trail here.
AMcC	The submission comes in July.
JB	Yeah.
AMcC	That submission, all the negotiations (unclear).
JB	Ok. So we agree to, I, it comes to me, I agree to, to reduce the tariff, and I set the date to reduce the tariff of the 1 st of October.
AMcC	No, our recommendation to you, eh you never, you never actually approved that.

Speaker	Dialogue
JB	Right.
AMcC	Before, before the submission was approved, there were further negotiations and the intervention of TJ.
JB	Further negotiations, intervention, Timothy Johnston intervention.
AMcC	Whatever, whatever.
JB	So from outside our department...
AMcC	That's right.
JB	Eh, but the DUP department and DUP SpAd then interfered to say this scheme has to be kept open for another four weeks.
AMcC	Yep.
JB	That comes back, we agree to close it then within those four weeks, and at that stage it then goes for approval for DFP?
AMcC	Yes.
JB	And we failed to minute?
AMcC	I, I've asked to check this point and we'll just do the, why those extra two weeks.
JB	But DFP, it seems kept it open for another two weeks even beyond the...
AMcC	Well that might have been our fault for not getting our ducks in a row.
JB	Right, we couldn't get our ducks in a row. But for some reason...
AMcC	For some reason, some reason...
JB	But first of all....
AMcC	Probably, probably an official will have a reason.
JB	Yep. But the information came back to, from the DUP, other SpAds outside this department's superior SpAds, let's say for want of a better way to put it, that the scheme had to be kept open and during that period from the 4 th or from the 1 st of October to the 17 th of November we're talking near a 1,000 applications? Half the scheme?

Speaker	Dialogue
AMcC	Nearly half the scheme. I don't know, I, I don't have the precise figures but it was certainly a very, very large number. The graph look shocking you know. There's a graph in the material that's gone to PAC, it's bananas.
JB	So what...
AMcC	None, none of us could have seen that coming.
JB	Well if the scheme's gonna cost £400m of the public purse then if we, if half of it came in during this period, where DUP SpAds, outside the department were wanting it kept open, and we're clear and you've a clear recollection that my SpAd was very much close it immediately or you know. Yep.
AMcC	(unclear) didn't give a fig.
JB	Yeah. But the other SpAds', some of whoms now have been revealed, by their own admissions, brothers had these, er things in, em, insisted on keeping it open at the high tariff for four weeks and then it ended up being kept open for six weeks, at which 1000 applications came in during. That's just for me...
AMcC	(unclear). It might be less than that, might be a bit less than that (unclear), of that order.
JB	And then the second bit that comes to me was you coming to me on the 22 nd of January. I'll go out and get my lpad and get you the exact email. 'Cause I'd like that Trim, if I could get it before I go.
AMcC	I doubt, if it's a trim reference, I won't be able to get it before I go, because I mean I'd need help to get that.
JB	But we can get it tomorrow morning.
AMcC	(unclear) with a change of department, and that's what, it's just complicated. I can, I can come up the hill and bring it to you.
JB	Yeah, no, em well let me get you what you want, because that to me is a critical one for my involvement.
AMcC	(unclear) to be honest, if you can just email me.
JB	I'll email you.
AMcC	If you can forward me the email, you have my email address?

Speaker	Dialogue
JB	Right, just give me your direct one then.
AMcC	Let me write it down for you.
JB	Because the eh, (unclear) came to me, she said officials were telling me, and then you eventually, (unclear) you have to put it on record.
AMcC	(unclear).
JB	(unclear) that was one in New York, and it was basically to say this – you copied me into an email, but I got the email...
AMcC	I had, I had replied to, to Malcolm, Malcolm had sent me an email...
JB	That's what it was.
AMcC	And eh, basically saying you need to get on with this, and then Tim Cairns had told me that the party officers had got involved now, inappropriate to say so because he, he meant, he meant, OFMDFM SpAds again.
JB	Right.
AMcC	But, he said party officers in the email, so I said party officers in email back to Malcolm.
JB	Right.
AMcC	You know, basically if you had approved the submission.
JB	Yeah.
AMcC	To move forward the closure on a Friday afternoon.
JB	Yeah.
AMcC	Then half an hour later, the approval was withdrawn because the Castle...
JB	Who, who withdrew my permission?
AMcC	The Castle.
JB	The Castle withdrew my permission?
AMcC	Yes.

Speaker	Dialogue
JB	Arlene withdrew my permission?
AMcC	Well, eh, her SpAds, em with the maybe, maybe all they wanted was a little bit of time to think about it.
JB	But here's the bottom line, is that legal? I sign off as a minister to say this closes.
AMcC	This goes to our breakfast meeting in London and eh, the politic is that Tim Cairns is right, you, you're a member of the party and the party decides these things collectively.
JB	And is that right?
AMcC	Yes.
JB	Ok.
AMcC	That's how government works.
JB	That's that's ok.
AMcC	That's how government works.
JB	But I, I just don't want somebody coming back to me and saying to me Jonathan you'd the authority to do it and you didn't do it.
AMcC	(unclear) everybody would recognise that eh, every government works by, on a collective responsibility. So in that sense, you know, the analogy would be of say Alistair Campbell phoning up, eh (unclear), saying you can't do that (unclear).
JB	I didn't realise they'd withdrawn (unclear).
AMcC	Withdrawn, then...
JB	And that was to close the scheme?
AMcC	That was the one to close the scheme.
JB	Yep.
Another	What date was that?
AMcC	Was, it was the, it must have been the Friday before we set off to the States. Em...

Speaker	Dialogue
JB	See I'm just not sure the public'll understand that I closed the scheme and then was well (unclear).
AMcC	But it, it didn't make that much difference, that, that, that intervention is after all (unclear) scenarios.
JB	Aye, but they were still, it was still kept open. How many people came in in those last two weeks?
AMcC	Em, well, again there was a genuine decision to, a debate as to the extent to give a little bit of time because we were vulnerable to judicial review perhaps, for people who had, in good faith expected the scheme to be open, therefore spent money on boilers...
JB	Yeah.
AMcC	Eh, so we, we, the two week extension at that stage was not unreasonable and wasn't that expensive....(unclear).
JB	But it still, we'd made a decision in this department to close without the two weeks and then the Castle overruled that decision.
AMcC	Again, not without some, eh...(unclear, talking over one another).
JB	Yeah, yeah, but I mean essentially, I closed it, eh, Arlene...
AMcC	It might have been the 16 th of January, I'm guessing, if..
Another	You need to check your diary...
JB	Yeah, yeah.
AMcC	22 nd was a Thursday, and we travelled from...
JB	California...
AMcC	San Francisco to New York on the Wednesday of that week, so it must have been, must have been the 16 th .
JB	Right, so I made the decision to close, and within half an hour you'd been contacted...
AMcC	Then, then, the reason I got angry was I got this email and because I'd WiFi on the American Airlines flight from San Francisco, so I was sitting there in the airplane, and there's an email from Malcolm saying, for goodness sake get on with it.

Speaker	Dialogue
Another	For goodness sake get on with it.
AMcC	And I'm saying, no we, we, we got approval, but then the Castle stopped us.
JB	Yeah.
AMcC	Right. So I, I went back to Malcolm and said, but you know, this was pulled in by the party officers. Timothy Johnston then told me off for referring to the party officers.
JB	Timothy Johnston told you off for referring to party officers, even though Timothy Cairns, is the SpAd that told you the DUP party officers...
AMcC	Yeah, but he was wrong, Timothy Cairns was wrong.
JB	Right, he was meant to refer to the DUP SpAds and OFM?
AMcC	Yeah that's the truth of it.
JB	Em, so he, he said the party officers to you, what he meant was OFM SpAds, DUP SpAds had done this.
AMcC	Actually, again, that's not how (unclear) that's not, not so unreasonable, in reality for them to say this is a big, this is big stuff, eh let's think about this a moment.
JB	Ok. So it ends up...
AMcC	But in the end it went forward, you know, the decision went ahead.
JB	Right.
AMcC	And then, you know, they thought about it again, as to whether there was a, what was it, the two risks. One was the risk of keeping the scheme open and therefore having more expenditure. The other was the risk of being judicially reviewed and the latter might have cost us more. You know, if you'd, if you'd had the...
Another	But that was, that was (unclear).
JB	Yeah, well that's that's fine, yeah but...
AMcC	Listen, that's a genuine...
JB	Yeah but...

Speaker	Dialogue
AMcC	Eh, there's nothing wrong with that...
JB	But what I can see at the minute is Arlene telling the press I knew nothing about this scheme. Civil servants, kept, I'd nothing to do with it. Civil servants, kept it, didn't tell me, eh they're the ones to blame. Now really.
AMcC	Which is all true in the early phase when it all went wrong.
JB	Yes.
AMcC	That is, that is true.
JB	But when it's coming to me to close it, had I been not interfered with, by the higher department, I could have closed this on the 1 st of October and halved the bill. Isn't that right?
AMcC	Well that is right.
JB	Well let's not, let's, let's just, I mean ultimately, I think it's going to, so had, had, the eh, the OFM SpAd not interfered in my decision, I could have, there'd be half the bill for them, and they wouldn't have had these 1000 applications. So I want to know who, so if they have the authority, and they can overrule me, do they take the accountability for the fact that there's now 400....
AMcC	I think that's something that's well worth discussion between the party.
JB	Aye, I agree, I agree, I'm just clarifying it in my mind.
AMcC	That's a fact, that is the fact of it, definitely, that the delay in was very material. They had, they had the discussion with Simon and eh that's known to them as well.
JB	The delay is (unclear) 1000 (unclear) pulled rank. I had five people, trying to blame me for nothing.
AMcC	That's right.
JB	It was the spike of people who were applying at the time. The next questions that one might, my question is who were these 1000 people? If these 1000 people were predominately people with connections with the party, well that would be even more serious.
Another	Very, very serious.
AMcC	Extremely serious.

Speaker	Dialogue
Another	It is.
JB	(unclear).
Another	And it smells of the Presbyterian Mutual, where people took their money out because they were board members who knew that there was something going wrong and they pulled their money out, and then exacerbated the problem in the Presbyterian Mutual.
AMcC	Yes.
Another	And the ordinary people.
AMcC	Insider yes, if there's insider trading of some sort. That to is serious.
Another	The question I ask Jonathan is this...
AMcC	It's really heavy.
Another	Well the question I have to ask Jonathan is at what point does this move from being civil matter to being criminal matter? 'cause this is bugging me. If somebody deliberately does something to fraudulently get a benefit from it, (unclear) that's fraud. Isn't that right?
AMcC	Yeah that's it yeah.
JB	Fraud?
Another	What do you think?
JB	Mm, yeah.
Another	If, if this, if this was happening in the United States, I'm telling you now, (unclear) they'd be gone by now.
JB	But I have (unclear).
Another	But that's not your responsibility, criminal negligence is not your responsibility.
JB	Whose responsibility is it but?
Another	(unclear).
JB	Yeah. Well that's that's what, yeah. But here's here's the reality, the officials gave me the information, I close the scheme, sorry, sorry..

Speaker	Dialogue
AMcC	No, you, you didn't get there.
JB	Yeah, my indication was to close as recommended.
AMcC	Our, our advice was to close.
JB	Close by the 1 st of October. Then the other DUP SpAd, OFM's superior department, collective responsibility, then came in and insisted this be kept open, ultimately, they said for an extra four weeks, it ends up six weeks.
AMcC	Yes.
JB	And during that period.
AMcC	Yes.
JB	Their decision, not my decision, their decision to overrule me and to tell me to put this to six weeks. Em.
AMcC	We acquiesced.
JB	Yeah, we acquiesced.
AMcC	Yeah, we all, we all acquiesced, because we didn't know any better, we didn't expect this (unclear).
JB	But, that, aye but that is the right programme in that em, they came back and ordered us and they are a higher department. You have to take collective responsibility, so we then kept it open for the 17 th of November and as a result of keeping it open, eh, in ballpark terms the numbers of applications.
AMcC	Yeah, it was a very large proportion of them.
JB	Came in, basically up to a 1000, probably 2000 came in. Right?
AMcC	Yes, 15 minute warning (said in response to building tannoy).
JB	But up to a 1000 came in at that time, at the cost, the ball park figures of £200m. So who is held accountable of those SpAds for keeping ti open, for allowing that to happen?
Another	(unclear).
JB	And if it transpires that they kept it open and people made gains by them keeping it open, I mean that is serious, isn't it?

Speaker	Dialogue
Another	But we didn't know the depth (unclear).
AMcC	I think to stay with what we said at the beginning, truth, integrity and fair process, so we'll stick like it's just all doing stuff yourself.
JB	Yeah.
AMcC	Carefully and thoughtfully and.
Another	I think we should (unclear).
JB	Yeah, ok.
Another	We're not, we're not here to try and build investigative work. We're here to protect you, protect Andrew, that's the truth, and.
AMcC	Truth, truth will out.
Another	Yeah.
JB	Truth will out ya.
Another	People who have done something or thrown stuff at you.
AMcC	Again, they, they wouldn't have known what's right and no, I'm not sure how much they knew. I'm clear that the officials hadn't spotted the tariff, I obviously assume the punters had, lotta applicants had, and there must have been salesmen going around saying this is wonderful, go for it, go for it, it looks.
JB	Well we need to know, what if, if, I mean people are telling you anecdotally, you know, Stephen Brimstone, has one, Andrew Crawford's brother's, the farm has one, and I'm going, the two? How many has Brimstone got?
AMcC	One.
JB	One? Em and that's just what they've admitted to so far.
AMcC	Well there's lots of names on the record, you know. We, we've, we're writing to every applicant to ask for their consent to release their names.
JB	Well surely anybody that, any family member of any DUP SpAd will say no thank you, and what do you do then?

Speaker	Dialogue
AMcC	Well we have, there's a public, public interest override that's possible.
JB	Right.
AMcC	So if it's in the public interest to release the names, even though they haven't given consent, that's possible.
JB	Ok.
AMcC	We're doing it, we're doing it by the book.
JB	Right, ok.
	Tape ends