

**RHI Inquiry**

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Howard Hastings  
Managing Director  
Hastings Hotels  
1066 House  
587 Upper Newtownards Road  
Belfast  
BT4 3LP

By post and email: [hhastings@hastingshotels.com](mailto:hhastings@hastingshotels.com)

Personal information redacted by the RHI Inquiry

8 June 2017

Dear Sir

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme**  
**Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information.

You may be aware from media reports that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. The Inquiry is continuing with the process of gathering all of the relevant documentation from relevant departments, organisations and individuals. In addition, the Inquiry is also now in the process of requiring individuals who have been, or who may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry Panel.

In this context, it would be of assistance to the Inquiry to have a statement from you setting out your involvement and/or that of Hastings Hotel Group with the Non Domestic Renewable Heat Incentive Scheme in Northern Ireland ('the Scheme') or other matters within the Inquiry's field of enquiry.

In keeping with the approach we are taking with others, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters falling within its Terms of Reference.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

The aim of the enclosed Notice is to require you to provide all relevant evidence you have within your knowledge, information or belief which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence which you can provide, please state this in your response. Where you can provide evidence, the more comprehensive your statement is, the less likely it is that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

Receipt of this correspondence and its enclosures places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with your legal representative(s) and any relevant servants or agents of Hastings Hotels but neither you nor they may show, communicate the contents of, or provide this correspondence or the Notice to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is actionable at the suit of the Inquiry Chairman.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to [Patrick.Butler@rhiinquiry.org](mailto:Patrick.Butler@rhiinquiry.org).

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

**SCHEDULE****[No 275 of 2017]**

1. Set out details of those persons within Hastings Hotels who have had any responsibility for, or role in respect of, renewable energy issues.
2. Summarise the involvement of Hastings Hotels, its servants and agents, in the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the RHI Scheme') or any aspect of it prior to its suspension in February 2016.
3. Explain the connection(s), if any, between Hastings Hotels, or yourself personally, and each of the following persons:
  - a. Andrew Crawford;
  - b. Brian Hood; and
  - c. Austen Lennon.
4. Explain the connection(s), if any, between Hastings Hotels, or yourself personally, and each of the following bodies:
  - a. BS Holdings Ltd;
  - b. the Department of Enterprise, Trade and Investment (DETI), now the Department for the Economy (DfE);
  - c. the Department of Finance and Personnel (DFP), now the Department of Finance (DoF);
  - d. any manufacturers and/or suppliers of biomass fuel;
  - e. any manufacturers, suppliers and/or installers of biomass heating plant;
  - f. representative and/or trade bodies in the energy sector;
  - g. any Northern Ireland political parties.
5. It appears to the Inquiry that, on 3 August 2015, you sent an email to Andrew Crawford (a copy of which is enclosed for your assistance), having been provided with an email from Brian Hood to Austen Lennon of the same date

which discussed the expected imminent introduction of tiering into the RHI Scheme. As to that, please address the following matters:

- a. Why were you in contact with Andrew Crawford in relation to this?
  - b. How did you come by Andrew Crawford's email address?
  - c. What is meant by the reference in the subject heading of the email to "Stormont 10273 16.6.15)?
  - d. What did you mean by the comment, "Dear Andrew... not on your watch, surely?"?
  - e. Who provided you with the email from Brian Hood to Austen Lennon and why?
  - f. Was the email from Brian Hood the first that you had heard of the proposed introduction of tiering or costs controls into the RHI Scheme? If not, from whom and when had you earlier learned of such matters?
  - g. How, if at all, did you understand that this information had come to Brian Hood?
  - h. What else, if anything, did you do with the information contained in the email from Brian Hood? In particular, did you pass this information on to anyone else?
6. Explain in detail (identifying any relevant documents and any relevant Hastings Hotels servants or agents) any direct or indirect involvement of Hastings Hotels, its servants or agents, in the RHI Scheme or any aspect of it prior to its suspension in February 2016, including, in particular:
- a. any interactions with Civil Servants, Ministers, Special Advisers, MLAs, politicians, political parties, their respective servants or agents (including, in particular, DETI, DFP, Ofgem, Invest NI, and/or their respective servants and agents) regarding the RHI Scheme which are relevant to the matters which the RHI Inquiry is investigating as set out in the Inquiry's Terms of Reference, including, without prejudice to the generality of the foregoing:

- i. any communications with, or instances of lobbying or encouragement of, any of the above classes of person in relation to the terms of the RHI Scheme and/or the introduction, non-introduction, variation, or delay of the introduction of cost controls into the Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure);
  - ii. any communications between Hastings Hotels or any person on its behalf (including, in particular, yourself and/or Austen Lennon) and any of the above classes of person (including, in particular, Andrew Crawford) in which Hastings Hotels sought and/or was provided with information concerning the likelihood of costs controls being introduced in the RHI Scheme and/or the nature, extent, and effective date of such controls (providing in respect of each such communication the name of the relevant servant of agent of Hastings Hotels, the name of the relevant civil servant, politician, special adviser, etc., the date of each communication, the mode of each communication, the place at which each communication occurred, if applicable, and the authorisation [if any] that each of the servant or agent of Hastings Hotels and, if known, the other person had to engage in such communications);
  - iii. any other instances of information passing between Hastings Hotels, its servants or agents, and any of the above classes of person regarding, or of relevance to, the RHI Scheme.
7. Provide details (identifying any relevant documents and any relevant Hastings Hotels servants or agents) of any communications between Hastings Hotels or any person on its behalf (on the one side) and any persons involved in the renewable energy sector, actual RHI Scheme claimants, or potential RHI Scheme claimants (on the other side) in which Hastings Hotels sought and/or was provided with and/or disseminated information concerning the likelihood

of costs controls being introduced in the RHI Scheme and/or the nature, extent, and effective date of such controls (providing in respect of each such communication the name of the relevant servant of agent of Hastings Hotels, the name of the relevant other person, the date of each communication, the mode of each communication, and the place at which each communication occurred, if applicable).

8. In respect of the period prior to suspension of the RHI Scheme in February 2016, please identify any potential risks, flaws, problems, anomalies, loopholes, or other issues regarding the proposed RHI Scheme, or the RHI Scheme as enacted, which came to the attention of you and/or Hastings Hotels, or any person acting on its behalf, setting out details of when they first became aware of each such issue and the actions (if any) taken by them as a result.
9. Without prejudice to the generality of the preceding paragraph, please specify when you and Hastings Hotels first became aware that there may have been an incentive in some cases to produce heat merely to make profit from the Scheme; how you and/or Hastings Hotels became so aware, and the actions (if any) taken by Hastings Hotels in respect of such knowledge (such as, for example, communicating with DETI, DFP or Ofgem, or with persons in the renewable energy sector, or others).
10. In respect of the period prior to the suspension of the Scheme in February 2016, and to the extent that it has not already been covered when addressing the issues raised in the preceding paragraphs of this Schedule, please provide details of all dealings that you or Hastings Hotels, or other persons connected to it, had with:
  - a. Ministers, Special Advisers, Civil Servants, politicians, political parties, or their respective servants or agents;
  - b. persons *other than* Ministers, Special Advisers, Civil Servants, politicians, political parties, or their respective servants or agents

which are relevant to the matters that the RHI Inquiry is investigating as set out in the Inquiry's Terms of Reference.

11. Provide any further evidence within your knowledge or belief that is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

**NOTE:**

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.





## INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

**RHI REF:** Notice 275 of 2017

**DATE:** 19/06/2017

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**Witness Statement of:** **Dr Howard Hastings**

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I, Dr Howard Hastings , will say as follows: -

1. Austen Lennon was employed by Hastings Hotel Group on a consultancy basis in relation to the Hotel Group's energy costs.
  
2. Austen Lennon was employed by Hastings Hotel Group on a consultancy basis in relation to the Hotel Group's energy costs. Various renewable energy schemes were considered, inter alia, solar and pellet boilers.
  
3.
  - a. I was introduced to Dr Andrew Crawford during my time as Chairman of the Northern Ireland Tourism Board and Dr Crawford's time as Special Adviser to the Tourism Minister of that time. We would meet on occasions to discuss tourism matters.
  - b. I have no knowledge of any individual by the name of Brian Hood.
  - c. Austen Lennon was employed by Hastings Hotel Group on a consultancy basis in relation to the Hotel Group's energy costs.



- 4.
- a. None (neither Hastings Hotels nor myself personally).
  - b. From 2010 to 2016 I was Chairman of NITB and liaised with DETI officials in that capacity.
  - c. No connection with DFP. I know the Permanent Secretary, David Sterling, because he was previously at DETI.
  - d. None (neither Hastings Hotels nor myself personally).
  - e. None (neither Hastings Hotels nor myself personally).
  - f. None (neither Hastings Hotels nor myself personally).
  - g. Neither Hastings Hotels nor I have active involvement with any NI political parties, however through my role in NITB, and Tourism Ireland, and Visit Belfast, and Food NI, as a former Chair of the Northern Ireland Hotels Federation and as a former Chair of the Institute of Directors in Northern Ireland, and as Managing Director of Hastings Hotels I would know elected representatives from all political parties, in Northern Ireland, in the Republic of Ireland, and at Westminster.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: \_\_\_\_\_

*Howard Hastings*

Dated: \_\_\_\_\_

*19/6/17*



- 5.
- a. I forwarded aforementioned email to Dr Crawford in view of the content as I was aware that the matter was part of his brief.
  - b. I was introduced to Dr Andrew Crawford during my time as Chairman of Northern Ireland Tourism Board and Dr Crawford's time as Special Adviser to the Tourism Minister. We would meet on occasions to discuss tourism matters.
  - c. I have no idea
  - d. I forwarded aforementioned email to Dr Crawford in view of the content as I was aware that the matter was part of his brief.
  - e. Austen Lennon in his role as energy adviser to Hastings Hotels.
  - f. I had heard nothing of this before. I'm not sure I understood the content of the email.
  - g. I have no knowledge of any individual by the name of Brian Hood.
  - h. I believe I deleted the email I had received after I had forwarded it, because it had no relevance to me or to Hastings Hotels.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_



- 6.
  - a. None.
  - i. None.
  - ii. Not to my knowledge.
  - iii. Not to my knowledge.
  
- 7. I do not have any other emails or information to assist with the inquiry.
  
- 8. I have no knowledge regarding any of the above.
  
- 9. I have no knowledge regarding any of the above.

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signed: Howard Hastings

Dated: 19/6/17



- 10.
- a. None to my knowledge.
  - b. Austen Lennon. Mr Lennon was employed by the Group on a consultancy basis in relation to the company's energy costs to which Various renewable energy schemes were considered, inter alia, solar and pellet boilers.
11. I do not have any other emails or information to assist with the inquiry.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: \_\_\_\_\_

*Howard Hastings*

Dated: \_\_\_\_\_

*19/6/17*