



**Report by the Assembly Commissioner for Standards on a
complaint against Maolíosa McHugh MLA
by Steve Aiken OBE MLA and Jim Allister QC MLA**

Assembly-Confidential

Summary

On 28 October 2020, I received a complaint from Mr Jim Allister QC MLA alleging that Mr Maolíosa McHugh MLA breached provisions of the Members' Code of Conduct ('the Code') by not returning to the public purse £10,000 received from NI Land and Property Services ("LPS") under the Covid-19 Business Support Scheme. On 2 November 2020, I received a complaint from Dr Steve Aiken OBE MLA alleging that Mr Maolíosa McHugh MLA breached provisions of the Members' Code of Conduct by failing on at least three occasions to declare to the Committee for Finance that he was in receipt of a £10,000 Covid-19 Business Support grant while sitting as a member of the Committee for Finance when LPS was giving evidence and on multiple occasions in September and October 2020 when the Small Business Covod-19 grants were discussed.

During the course of my investigation, it became clear that Mr McHugh received notification from LPS to his constituency office alerting him to the fact that 10,000 had been paid into the LPS account named "Maolíosa McHugh MLA – Strabane Sinn Féin Office". Mr McHugh contacted the constituency coordinator, Barry McColgan, who confirmed the money was received into an account that Mr McHugh had nothing to do with and no authorisation or connection to. Nonetheless, Mr McHugh knew it was an error and that MLA offices were not entitled to grant money, and confirmed with Mr McColgan, that it would be paid back to the LPS. After a number of assurances from Mr McColgan in May and June, Mr McHugh believed the money was paid back. In October when contacted by the BBC Nolan Show, Mr McHugh became aware it had not been paid back. Further internal review of the matter by Sinn Féin led to job losses, Mr McColgan being but one.

As Mr McHugh was not the legal bank account holder, he had no control over or access to the funds, and therefore did not breach Rule 1 in relation to the public interest in not returning the funds nor did he have an interest to register in the Assembly's Register of Members' Interests (Rule 4). Mr McHugh believed the money was paid back in June, therefore he did not believe he had a conflict of interest to declare in September and October (Rule 5). Having no access to the account into which the money was deposited, he could not have acted to confer an advantage or preferential treatment to himself or others (Rule 14). Mr McHugh did what could reasonably have been expected of him in alerting the person that could and should have returned the money (Mr McColgan) to the LPS and seeking assurances on at least three occasions that the money had been paid back, and so did not breach Rule 19.

Chronology of events

3 April 2020	Remittance Notification sent to Mr McHugh's constituency Office from LPS showing a 10,000 Covid grant payment
Soon after 3 April 2020	Mr McHugh made contact with Sinn Féin constituency coordinator Barry McColgan
May and June 2020	Mr McHugh asked Mr Barry McColgan if the money had been repaid
25 October 2020	Nolan Show aired
26 October 2020	Mr Snowden contacted by Barry McColgan
26 October 2020	Money repaid by cheque into the Ulster Bank Cloughfern Branch
28 October 2020	Complaint received from Mr Allister
2 November 2020	Complaint received from Dr Aiken
5 November 2020	Acknowledgement of Mr Allister's complaint and copy sent to Mr McHugh and to the Clerk to the Committee on Standards and Privileges
13 November 2020	Acknowledgement of Dr Aiken's complaint and copy sent to Mr McHugh and to the Clerk to the Committee on Standards and Privileges on same date
13 November 2020	Consideration of both complaints suspended while the PSNI considered a complaint relating to the same issue
2 February 2021	Recommenced consideration of Mr Allister's and Dr Aiken's complaints
2 February 2021	Wrote to Mr Allister and Dr Aiken asking for clarification on which rules they were alleging were breached
6 February 2021	Mr Allister replied stating that he believed Mr McHugh breached Rules 1, 4, 5 and 19.
22 February 2021	Dr Aiken replied stating that he believed Mr McHugh breached Rules 1, 4, 5, 14 and 19

22 February 2021	Wrote to Mr Allister, Dr Aiken, Mr McHugh and the Clerk to the Committee on Standards and Privileges informing them of my decision that the complaint was admissible and commenced my investigation into the complaint
11 March 2021	Wrote to LPS requesting information on the LPS account, the bank account attached to the LPS account, payment dates and general clarification
26 March 2021	Received statement from Mr McHugh
30 March 2021	Wrote to Assembly Director of Corporate Services requesting information re Mr McHugh rates reimbursement payments
29 March 2021	Mr McHugh Interview, Parliament Buildings
27 April 2021	Mr Ruari McHugh interviewed via zoom
4 May 2021	Ms Michelle O'Neill interviewed in Parliament Buildings
10 May 2021	Wrote to Mr Barry McColgan for statement/meeting

Investigation

1. In the course of my investigation, I carried out the following:
 - Interviewed Mr Maolíosa McHugh MLA¹, Mr Ruari McHugh² and DFM Michelle O'Neill MLA³.
 - Reviewed the transcripts of the Nolan Show's reporting of this case as outlined in the evidence submitted by Mr Allister and Dr Aiken⁴
 - Watched Finance Committee meetings of 23 September⁵, 30 September⁶, 7 October⁷, 14 October⁸, 21 October⁹ and 18 November¹⁰ (all 2020)
 - Requested and received information from Mr Ian Snowden, Chief Executive of LPS^{11,12,13,14,15}
 - Requested and received information from Richard Stewart, Director or Corporate Services, NI Assembly¹⁶
2. The provisions of the Code most relevant to the consideration of this complaint are at Annex A.
3. A copy of the complaint and all other documents I have relied on in reaching my decision are at Annex B.

Findings of Fact

I found the following facts established to the required standard of proof:

4. On 3 April LPS deposited 10,000 into the LPS account named "Maolíosa McHugh MLA – Strabane Sinn Féin Office".

¹ Document 6

² Document 7

³ Document 8

⁴ Document 9

⁵ <https://niassembly.tv/committee-for-finance-meeting-wednesday-23-september-2020/>

⁶ <https://niassembly.tv/committee-for-finance-meeting-wednesday-30-september-2020/>

⁷ <https://niassembly.tv/committee-for-finance-meeting-wednesday-7-october-2020/>

⁸ <https://niassembly.tv/committee-for-finance-meeting-wednesday-14-october-2020/>

⁹ <https://niassembly.tv/committee-for-finance-meeting-wednesday-21-october-2020/>

¹⁰ <https://niassembly.tv/committee-for-finance-meeting-wednesday-18-november-2020/>

¹¹ Document 10

¹² Document 11

¹³ Document 12

¹⁴ Document 13

¹⁵ Document 14

¹⁶ Document 15

5. The LPS sent a remittance notification via post to Mr McHugh at his constituency office address of Unit 31a Melvin Road Strabane BT82 9PP which showed that £10,000 had been paid to the LPS account named “Maolíosa McHugh MLA – Strabane Sinn Féin Office” on 3 April 2020.¹⁷
6. The bank account associated to that LPS account was “West Tyrone Development Fund” which is where the £10,000 was deposited.¹⁸
7. Mr McHugh had no access or authority over the “West Tyrone Development Fund” account.
8. Mr McHugh contacted Mr McColgan soon after receiving the remittance notification to find out where the money was paid and why it was paid.
9. On at least three occasions during May and June, Mr McHugh sought assurance from Mr McColgan that the £10,000 grant money would be paid back.
10. On 25 October, it emerged through media coverage that four MLA and MP constituency offices and a number of wind turbines wrongly received Covid-19 Business Support Grants of £10,000 each.¹⁹
11. Early on 26 October Mr Snowden was contacted by a member of staff from the West Tyrone Sinn Féin office in Omagh asking for details on how a grant could be repaid to LPS. He became aware subsequently, as a consequence of the media coverage, that the request was in respect of the Sinn Féin Office in Strabane.²⁰
12. The money was repaid by cheque into the Ulster Bank Cloughfern Branch on the 26th October and receipted by Account NI on that date. The funds were cleared by the bank on the 27th October.²¹
13. In accordance with paragraph 7.14 of the General Procedures Direction, Mr McHugh was afforded an opportunity to challenge any of these findings before I finalised my report. He did not avail of that opportunity.

¹⁷ Document 12

¹⁸ Document 8 and 9

¹⁹ Document 10

²⁰ Document 11

²¹ Document 11 and 13

Allegations

14. Mr Allister and Dr Aiken's complaints are similar; for clarity in relation to alleged breaches, Mr Allister stated the following in relation to Rules within the Code which he is alleging have been breached by Mr McHugh²²:
1. Rule 1: In that his complicity in failing to return the £10,000 until public exposure, though he had knowledge of its receipt, amounted to a failure to adequately or at all consider the public interest.
 2. Rule 4: In that he failed to register in the Assembly's Register of Members' Interests details of his interest in the subject property which benefitted from a COVID grant of £10,000.
 3. Rule 5: In that he failed to declare in the Assembly Finance Committee his interest in a constituency office in respect of which a £10,000 grant had been paid when the Head of LPS was before the committee on a number of occasions discussing the said payments and scheme.
 4. Rule 19: In that he failed to take reasonable care to ensure that his staff, when acting on his behalf, took adequate steps to ensure the said £10,000 was returned, not least since he had knowledge of the payment and having regard to the expectations of the rules of conduct.
 5. By reason of the above I believe Mr McHugh failed to conduct himself in a manner which would tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and thereby he brought the Assembly into disrepute."
15. Dr Aiken's complaint alleges the following Rules within the Code have been breached by Mr McHugh²³:
1. Rule 1: Given that Mr McHugh had a very personal interest in the shape of £10,000 from LPS in a bank account in his name, he should have declared that on any occasion when Small Business Grants were discussed or LPS officials appeared before the Committee. He did not do and is therefore in breach of this Rule.
 2. Rule 4: It is my contention that a £10,000 Small Business Grant from LPS deposited in a bank account in Mr McHugh's name constitutes a 'registerable interest' which he should have clearly declared that in the Register of Members' Interests. He did not do so and therefore is in breach of this Rule.
 3. Rule 5: It is my contention that the £10,000 Small Business Grant received from LPS into a bank account in Mr McHugh's name could reasonably be held to be something which '*might be thought to influence your approach to the matter under consideration*'—not least if further schemes emerged with new payments. No such interest was declared and so Mr McHugh is in breach of this Rule.

²² Document 3

²³ Document 4

4. Rule 14: The failure to declare the £10,000 Small Business Grant from LPS deposited in a bank account in Mr McHugh’s name potentially leaves Mr McHugh vulnerable to the charge that any comments in the Committee or the Assembly about any grant schemes, he was seeking to ‘*confer an advantage or preferential treatment for either yourself or any other person.*’ As such he is in breach of this Rule.
5. Rule 19: As stated earlier, if Mr McHugh should seek to explain this matter away by claiming he did not know about the account in his name or had no access to it, then that takes us into an even more serious situation requiring a wider investigation. If Mr McHugh’s staff or party officials have acted on his behalf to open a bank account bearing his name, and into which large sums of money have been deposited, and he has no knowledge or control over this account, then he certainly had not taken ‘reasonable care’ to ensure that those staff, acting on his behalf have upheld the rules of conduct. As a result, he is in breach of this Rule.”

During my investigation I established the following:

16. Mr McHugh denies all allegations made against him.²⁴
17. Soon after receiving the LPS remittance notification on 3rd April, Mr McHugh’s Office Manager Ruairí McHugh brought it to the attention of Mr McHugh.^{25,26}
18. Mr McHugh then contacted the West Tyrone Sinn Féin office in Omagh to figure out what this payment was, why it was paid and what account it was paid into.²⁷
19. Barry McColgan, the constituency organiser, informed him that the money had been received into the West Tyrone Development Fund bank account.²⁸
20. Mr McHugh had no control over this bank account; he was not a named signatory for this bank account, nor did he have access to bank statements, cheques, or anything relating to this bank account.²⁹
21. The LPS account was named “Maolíosa McHugh MLA – Strabane Sinn Féin Office”, a name allocated to it by Sinn Féin administration.
22. When Mr McHugh received the notification from LPS, he asked Mr McColgan to return the money as he knew the office wasn’t entitled to it. Mr McColgan told him he was ‘dealing with it.’³⁰

²⁴ Document 5

²⁵ Document 6 at 19:47

²⁶ Document 5

²⁷ Document 6 at 19:47

²⁸ Document 6 at 20:32; 23:51

²⁹ Document 5 and 6

³⁰ Document 5 and 6

23. During a number of Mr McColgan's regular visits to Mr McHugh's constituency office throughout May and June, Mr McHugh sought confirmation from Mr McColgan that the money had been returned to LPS. Mr McHugh confirmed at interview that on at least three occasions during May and June Mr McColgan confirmed it was being dealt with which Mr McHugh believed meant it was being paid back.³¹
24. Mr McHugh did not mention it again to Mr McColgan after June as he believed it had been paid back as per Mr McColgan's assurances.³²
25. At no time did Mr McHugh ask Mr McColgan for written confirmation that it had been paid back.³³
26. I interviewed DFM Michelle O'Neill MLA who confirmed:

"In Maolíosa's case, and I had spoken to Barry McColgan myself actually at different times, and Barry had said that Maolíosa had said to him repeatedly to get it sorted."
27. I contacted Mr McColgan to arrange a meeting or get a statement to confirm this, but he did not respond.
28. At the time of the Finance Committee meetings of 23 September, 30 September, 7 October, 14 October and 21 October (all 2020) when these grants were discussed and where on a few of these occasions Mr Snowden gave evidence, Mr McHugh believed the grant payment made to the West Tyrone Development Fund by the LPS had been paid back months earlier.³⁴
29. Mr McHugh was contacted by a reporter from the BBC Nolan Show on October 26. It was soon after that call that Mr McHugh became aware the money had not been paid back as Mr McColgan had led him to believe in June.³⁵
30. At the same time as this story broke, someone contacted the LPS early on 26 October to ask how to pay back the grant.³⁶ Mr McHugh believes this would have been Mr McColgan.³⁷
31. The repayment was made by cheque on 26th October and was signed by West Tyrone MLA Catherine Kelly and Helena McElhone³⁸ as confirmed by Mr McHugh at interview.³⁹

³¹ Document 6 at 25:06; 25:24

³² Document 6 at 25:40; 39:36; 40:22

³³ Document 6

³⁴ Document 6 at 37:02

³⁵ Document 6 at 38:29; 44:26

³⁶ Document 7

³⁷ Document 6 at 57:54

³⁸ Document 9

³⁹ Document 6 at 1:04:31

32. A review of the situation was swiftly carried out by Sinn Féin, and a few days after the story broke a number of people lost their jobs.⁴⁰
33. It is of note that Mr McHugh confirmed at interview that Mr McColgan was one of the people who lost their job.
34. Mr McHugh said at interview that Mr McColgan said to him “If I had given this as much attention at the time you raised it with me as I did do today, it would have been resolved long before now.”⁴¹

LPS Rates Account

35. I received clarification from the LPS in relation to the naming of LPS accounts and the bank accounts associated with the LPS accounts.⁴² Mr Snowden confirmed to me that a name given to an LPS account is “what the ratepayer tells us their name is or what their business is called” and that “the name on the rates account doesn’t have to reflect any bank account name”.⁴³
36. It appears that Sinn Féin chose the name of the LPS account to be “Maolíosa McHugh MLA – Strabane Sinn Féin Office”. This was likely for administrative purposes. However, it was not because Mr McHugh was responsible for the rates or paid the rates, because he does not (see para 37). Therefore, the name of the LPS account left Mr McHugh open to scrutiny by the media and others relating to the grant payment and non-return of the payment. LPS has confirmed the name of the account has now been changed to “Strabane Sinn Féin Office”.⁴⁴
37. The NI Assembly Director of Corporate Services confirmed that no rates are paid on behalf of Mr McHugh and no rates have been or are reimbursed to Mr McHugh.⁴⁵ Therefore, Mr McHugh has no involvement with rates payments or concerns relating to rates associated to his office or his position as an MLA. Mr McHugh was not responsible for paying the rates for the property.

Bank Account: West Tyrone Development Fund

38. The bank account attached to the LPS account “Maolíosa McHugh MLA – Strabane Sinn Féin Office”, where the £10,000 grant was paid into, was the ‘West Tyrone Development Fund’ account. Mr McHugh was not the owner of that bank account and was not attached to that account in any way; he had no access, control or signatory rights associated with that bank account.

⁴⁰ Document 6 at 27:20; 52:07

⁴¹ Document 6 at 45:00; 45:18

⁴² Document 11

⁴³ Document 14

⁴⁴ Document 14

⁴⁵ Document 16

39. Mr McHugh had one member of staff at the time; he too had no access to the West Tyrone Development Fund bank account. The Constituency Officer, Mr McColgan, who was not a member of Mr McHugh's staff did have access to that bank account, but Mr McHugh did not have any oversight or management responsibilities in relation to Mr McColgan. Mr McHugh alerted Mr McColgan to the remittance notification and sought Mr McColgan's assurances that the money was returned on at least three occasions and was told by Mr McColgan that it was 'being dealt with'.

Reasoned Decision

Allegation 1

40. I am satisfied on the basis of the evidence, that Mr McHugh was not the legal rates payer or the bank account holder for the bank account attached to the rates account and therefore not the legal recipient of the £10,000 grant. Mr McHugh indeed received notification of it, but did not have access to nor was he associated with the bank account where the funds were deposited. As such, he did not breach Rule 1 in relation to the public interest in not returning the funds, as he had no control over the bank account or the funds.
41. I do not uphold this allegation.

Allegation 2

42. Mr McHugh was not the legal bank account holder or recipient of the grant money therefore Mr McHugh did not have an interest to register in the Assembly's Register of Members' Interests and did not breach Rule 4 of the Code.
43. I do not uphold this allegation.

Allegation 3

44. Mr McHugh believed that the grant money was paid back to the LPS in June 2020, well before the Finance Committee meetings of September and October 2020. Had he known the money was not yet paid back, he may have had an interest to declare as a perception may have existed in relation to his name being part of the named LPS account. However, his belief at that time of the Finance Committee meetings in question (September/October) was that the money had been paid back and therefore he did not have a conflict of interest to declare and did not breach Rule 5 of the Code.
45. I do not uphold this allegation.

Allegation 4

46. Mr McHugh, having not been the legal recipient of the £10,000 grant and having no access to the account into which it was deposited, could not have acted to confer an advantage or preferential treatment to himself or others. Therefore, he did not breach Rule 14 of the Code.
47. I do not uphold this allegation.

Allegation 5

48. Mr McHugh had one member of staff, Mr Ruairí McHugh who was temporary and covering a maternity leave. He also had no access to the West Tyrone Development Fund bank account and was the person who informed Mr McHugh MLA of the LPS notification soon after it arrived. This led to Mr McHugh MLA contacting Mr McColgan, the Constituency Organiser who himself was not a member of Mr McHugh's staff, to make him aware of the notification and the need to return the funds to the LPS.
49. Mr McHugh accepted Mr McColgan's word on at least three occasions that the funds had been repaid to the LPS. Arguably, he should instead have sought confirmation of the repayment in writing. However, it is my view that under the circumstances he and his member of staff did what could reasonably have been expected of them in alerting the person that could and should have returned the money to the LPS and seeking assurances from Mr McColgan on at least three occasions. For this reason, I do not believe that this constitutes a breach of Rule 19 of the Code.
50. I do not uphold this allegation.

Conclusion

51. I am satisfied on the basis of the evidence, my analysis and reasoning, that Mr McHugh did not breach Rules 1, 4, 5 and 19 of the Code of Conduct as alleged by Mr Allister QC MLA.
52. I am satisfied on the basis of the evidence, my analysis and reasoning, that Mr McHugh did not breach Rules 1, 4, 5, 14 and 19 of the Code of Conduct as alleged by Dr Aiken OBE MLA.

The Rules of Conduct

1. You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
4. You shall register in the Assembly's Register of Members' Interests details of all registrable interests. A registrable interest means an interest specified in Chapter 1 of the Guide to the Rules. [The categories of registrable interest are set out in Schedule 1].
5. You shall declare, whether in Assembly proceedings or in any approach to a Minister, public representative, public body or public official, any relevant interest which might reasonably be thought to influence your approach to the matter under consideration. A relevant interest means an interest to which Chapter 2 of the Guide to the Rules applies, and may include a registrable interest.
14. You shall not use, or attempt to use, your position as a Member to improperly confer an advantage or preferential treatment for either yourself or any other person; or to avoid disadvantage or create disadvantage for someone else.
19. You shall take reasonable care to ensure that your staff, when acting on your behalf, uphold these rules of conduct.

Principles

Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and should never undertake any action which would bring the Assembly into disrepute.

Document	Description
1	Complaint from Jim Allister QC MLA
2	Complaint from Steve Aiken OBE MLA
3	Complaint: Further information Jim Allister QC MLA
4	Complaint: Further information Steve Aiken OBE MLA
5	Maolíosa McHugh MLA Statement
6	Maolíosa McHugh MLA Interview Transcript
7	Ruairí McHugh Interview Transcript
8	DFM Michelle O'Neill MLA Interview Transcript
9	Nolan Show transcripts
10	LPS e-mail response to Commissioner 22 March 2021
11	LPS Remittance Notice 03 April 2020 & BACS Trace
12	Repayment cheque deposit and receipt to LPS 26 October 2020
13	LPS e-mail response to Commissioner 25 March 2021
14	LPS e-mail response to Commissioner 30 March 2021
15	NI Assembly Director of Corporate Services email response to Commissioner 31 March 2021
16	Declaration of Interests in Committees (Appendix C)

Document 1: Complaint from Jim Allister QC MLA

[REDACTED]

From: +Comm Standards & Privileges Public Email
Sent: 28 October 2020 14:35
To: +StandardsCommissioner
Cc: J H Allister; [REDACTED] +Comm Standards & Privileges Public Email
Subject: FW: Complaint against Mr McHugh MLA

Dear Dr McCullough,

Please see the correspondence below from Mr Allister in respect of a complaint which I am forwarding on to you as per Mr Allister's consent.

Kind regards

[REDACTED]

From: J H Allister <[REDACTED]>
Sent: 28 October 2020 10:26
To: +Comm Standards & Privileges Public Email <committee.standardsprivileges@niassembly.gov.uk>
[REDACTED]
Subject: Complaint against Mr McHugh MLA

Room 252
Parliament Buildings
Stormont

28 October 2020

Commissioner for Standards
Room 256,
Parliament Buildings,
Belfast, BT4 3XX.
committee.standards&privileges@niassembly.gov.uk

Dear Commissioner,

Re: Maoliosa McHugh MLA

I wish to request you to investigate the conduct of Mr McHugh in respect of the delay in returning to the public purse £10,000 received under the Covid business support scheme.

According to the BBC Radio Ulster 'Nolan Show' on 28 October 2020 Mr McHugh accepted he had knowledge of receipt of the funds from when it was received. Yet, it appears, the money, to which he patently was not entitled, was not returned until this week. Why?

In presiding over this delay Mr McHugh, I suggest, infringed his Code of Conduct duty as follows:-

- the general duty to act in the interests of the community as a whole;
- should not act in order to gain financial or other material benefits for themselves, their family, their friends or associates;

- support these principles by leadership and example in order to establish and maintain the trust and confidence of the people of Northern Ireland;
- Members shall base their conduct on a consideration of the public interest

As the code says “Members are accountable for their decisions and actions to the people of Northern Ireland”. Accordingly, I believe it is imperative that you investigate this matter against all the requirements of the Code of Conduct.

I refer you to the aforesaid Nolan Show for confirmatory Information.

Yours sincerely,



Jim Allister

Document 2: Complaint from Steve Aiken OBE MLA

In Confidence

Dr Steve Aiken OBE MLA
Leader UUP
Room 216
Parliament Buildings
Ballymiscaw
Stormont
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Dr Melissa McCullough
The Commissioner for Standards,
Room 283
Parliament Buildings
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Commissioner@niassembly.gov.uk

2 Nov 2020

Mr Maolíosa McHugh MLA – Complaint

I wish to formally complain that the above named MLA did breach the code of conduct as an MLA in that he failed, on at least 3 occasions [Hansard and Minutes refer], as a member of the NI Assembly Finance Committee to declare that he was in receipt of a small Business CoVID support grant, when taking evidence from the head of the NI Land and Property Service. These breaches occurred whilst he was a sitting member of the committee, held in the Senate Chamber, Stormont. He has indicated, on recorded media interview, that he was aware that his party office was in receipt of this grant.

This is a breach of the duty to fail to register certain financial or other interests.

Signed on Original

In Confidence

Annex B3

Document 3: Complaint: Further information Jim Allister QC MLA

Commissioner for Standards. Jim Allister MLA
Room 283, Parliament Buildings. Room 252 Parliament Buildings

6 February 2021

Dear Commissioner,

Re: Complaint against Maolisa McHugh MLA

I refer to your letter of 2 February 2021.

I believe Mr McHugh's actions and inactions breached the following rules of the Code:

4.1.1 - in that his complicity in failing to return the £10,000 until public exposure, though he had knowledge of its receipt, amounted to a failure to adequately or at all consider the public interest.

4.1.4 - in that he failed to register in the Assembly's Register of Members' Interests details of his interest in the subject property which benefitted from a COVID grant of £10,000.

4.1.5 - in that he failed to declare in the Assembly Finance Committee his interest in a constituency office in respect of which a £10,000 grant had been paid when the Head of LPS was before the committee on a number of occasions discussing the said payments and scheme.

4.1.19 - in that he failed to take reasonable care to ensure that his staff, when acting on his behalf, took adequate steps to ensure the said £10,000 was returned, not least since he had knowledge of the payment and having regard to the expectations of the rules of conduct.

By reason of the above I believe Mr McHugh failed to conduct himself in a manner which would tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and thereby he brought the Assembly into disrepute.

Yours sincerely,

Jim Allister

Document 4: Complaint: Further information Steve Aiken OBE MLA



Dr Melissa McCullough
Northern Ireland Assembly Commissioner for Standards
Room 283
Parliament Buildings
Belfast BT4 3XX

22nd February 2021

Complaint to Assembly Standards Commissioner re Maoliosa McHugh re Conflict of Interest

Dear Dr McCullough

COMPLAINT AGAINST MAOLIOSA McHUGH MLA

I am writing in response to your letter dated 2 February 2021.

It is my belief that there is indeed a breach under a number of rules within the Code of Conduct given that

- The member received a benefit and did not declare it
- The member had multiple opportunities to declare it. No fewer than Seven Finance Committee meetings were held between 09 September and 21 October 2020.
- There were several committee meetings where Ian Snowden the Chief Executive of Land & Property Services appeared - 7 and 21 October 2020, and LPS issues were also discussed at the meetings of 23 September, 30 September and 14 October. All of these provided an opportunity for Mr McHugh to declare an interest.
- The member managed to declare an interest re credit unions at the Finance Committee meeting on 21 October 2020, but not re the £10,000 grant.

It is therefore my contention that the Member breached up to five rules within the Code of Conduct.

The pertinent facts are as follows.

Land & Property Services (LPS) administered the Small Business Grant Scheme for the Department of Finance, and as a result £10,000 was paid into a bank account entitled "Maoliosa McHugh MLA – Strabane Sinn Fein Office" in March 2020.

This was despite MP and MLA constituency offices being ineligible for the scheme.

The money was not paid back until late October and even then, only after the BBC Radio Ulster Nolan Programme had raised the issue.

If MLAs are benefitting financially from a scheme – especially to the tune of £10,000 - they should declare an interest in that scheme any time it is discussed or when the body administering that scheme appears in front of their Assembly committee.

Clearly Mr McHugh should have declared that money as an interest when LPS appeared before the Finance Committee - as happened on a number of occasions outlined below.

If Mr McHugh should seek to explain this matter away by claiming he did not know about the account or had no access to it., then that should of course trigger a far wider investigation into the standard operating practices of Sinn Fein, and in particular just how many of their MLAs have bank accounts in their own name, which they have either no knowledge of or access to. If Mr McHugh did not know about the money, then he certainly should have.

The rules which have been breached are Rules One, Four, Five, Fourteen and Nineteen.

Rule One

You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

Given that Mr McHugh had a very personal interest in the shape of £10,000 from LPS in a bank account in his name, he should have declared that on any occasion when Small Business Grants were discussed or LPS officials appeared before the Committee. He did not do and is therefore in breach of this Rule.

Rule Four

You shall register in the Assembly's Register of Members' Interests details of all registrable interests. A registrable interest means an interest specified in Chapter 1 of the Guide to the Rules. [The categories of registrable interest are set out in Schedule 1]

It is my contention that a £10,000 Small Business Grant from LPS deposited in a bank account in Mr McHugh's name constitutes a 'registrable interest' which should have been clearly have declared that in the Register of Members' interests. He did not do so and therefore is in breach of this Rule.

Rule Five

You shall declare, whether in Assembly proceedings or in any approach to a Minister, public representative, public body or public official, any relevant interest which might reasonably be thought to influence your approach to the matter under consideration. A relevant interest means an interest to which Chapter 2 of the Guide to the Rules applies, and may include a registrable interest.

It is my contention that the £10,000 Small Business Grant received from LPS into a bank account in Mr McHugh's name could reasonably be held to be something which '*might be thought to influence your approach to the matter under consideration*' - not least if further schemes emerged with new payments. No such interest was declared and so Mr McHugh is in breach of this Rule.'

Rule Fourteen

You shall not use, or attempt to use, your position as a Member to improperly confer an advantage or preferential treatment for either yourself or any other person; or to avoid disadvantage or create disadvantage for someone else.

The failure to declare the £10,000 Small Business Grant from LPS deposited in a bank account in Mr McHugh's name potentially leaves Mr McHugh vulnerable to the charge that in any comments in the Committee or the Assembly about any grants schemes, he was seeking to '*confer an advantage or preferential treatment for either yourself or any other person.*' As such he is in breach of this Rule.

Rule Nineteen

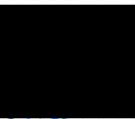
You shall take reasonable care to ensure that your staff, when acting on your behalf, uphold these rules of conduct.

As stated earlier, if Mr McHugh should seek to explain this matter away by claiming he did not know about the account in his name or had no access to it., then that takes us into an even more serious situation requiring a wider investigation.

If Mr McHugh's staff or party officials, have acted on his behalf to open a bank account bearing his name, and into which large sums of money have been deposited, and he has no knowledge or control over this account, then he certainly has not taken 'reasonable care' to ensure that those staff, acting on his behalf have upheld the rules of conduct. As a result, he is in breach of this Rule.

I would therefore be grateful if you would investigate this matter.

Yours sincerely



Dr Steve Aiken OBE MLA
Leader, Ulster Unionist Party

Document 5: Maolíosa McHugh MLA Statement

Maolíosa McHugh MLA
Room 334
Parliament Buildings
Ballymiscaw
Stormont
Bt4 3XX

SENT BY EMAIL

Dr Melissa McCullough
Commissioner For Standards
283 Parliament Buildings
Ballymiscaw
Stormont
Bt4 3XX

26th March 2021

Dear Dr McCullough,

COMPLAINT AGAINST ME BY DR STEVE AIKEN MLA

1. I refer to the above matter and to your letter of 23rd February 2021. In advance of my interview with you on 29th March 2021, please find below my response to the complaint made by Dr Aiken MLA. I hope this will assist your investigation.

2. At the outset I should say that the complaint of Dr Aiken, and indeed the complaint of Mr Allister, is premised upon an incorrect assumption of facts. I personally did not receive any Covid-19 Small Business Grant. I am neither the owner of the building that it was paid in respect of, nor do I pay the rates on that building. I did not have access to the account the grant was paid into and neither did any member of staff employed by me. These basic facts of themselves demonstrate that the complaints are misconceived and that I had no interest to declare. I will however elaborate upon them for you.

3. I was co-opted onto the Assembly as a member for West Tyrone on 28th May 2019. I replaced Michaela Boyle, who stepped down from her position. When I replaced Mrs Boyle I took over the her constituency office at Unit 3, 1A Melvin Road, Strabane, BT82 9PP. That office, which is provide to me by my party, is located in a building owned by the party. Whilst I use the office as my constituency office, the owners of the building, Sinn Fein, pay the rates on the office. I am therefore neither the owner of the office nor the rate payer.
4. I understand that the name on the rate payer account is “Maoliosa McHugh MLA – Strabane Sinn Fein Office.” That was certainly the name on the remittance letter that was posted to the Office that first led me to become aware of the grant payment. I will return to that letter below. However, as you can see, that description is not me in a personal capacity. If it was it would simply say “Maoliosa McHugh” or “Maoliosa McHugh MLA.” I understand the description is one that is used by my party to distinguish the rates being paid on my office from other properties that the party is the ratepayer for. The name on the rate payer account is therefore a description of the property. This again shows I am not the ratepayer.
5. I understand that the rates on the constituency office I use are paid by direct debit out of a Sinn Fein bank account that is named “West Tyrone Development Fund.” I have never paid any rates on the officer nor have I had any role in setting up the direct debit. This again shows I am not the ratepayer.
6. In March 2020 the Department for the Economy announced that they would provide a grant of £10,000 to all small businesses ratepayers who are eligible for the Small Business Rate Relief Scheme. Around 27,000 businesses would have been eligible. The scheme was set up in response to the pressures facing small businesses as a result of the Covid-19 pandemic. Small business ratepayers that paid their rates by direct debit had the payment paid automatically to them into the bank account that Land and Property Services had on record for them. This may well be the first time such automatic payments were made and as such this was a novel approach to grant payments as those payments were paid directly

into the bank accounts of ratepayers who had made no request or application for the grant.

7. The £10,000 that is the subject of the complaint was paid under that scheme directly into the bank account on record for the ratepayer of my office. That bank account was the West Tyrone Development fund account
8. I became aware of the payment as the remittance letter was sent to my office addressed to “Maoliosa McHugh MLA – Strabane Sinn Fein Office.” I was of the clear opinion that such a grant should not have been paid to the ratepayer for an MLA’s office. The money was not however under my control as it had been paid into the ratepayers account – the West Tyrone Development fund account. Neither I nor anybody employed by me has access to that account. Neither I nor anybody employed by me is a signatory to that account. It was therefore not within my power to return the grant. What I did do was ask an employee of Sinn Fein to return the money in May 2020. I have no control over that employee as I am not their employer.
9. The money has been repaid although it is clear that there was a delay in repaying it. That delay is not however attributable to myself or to any of my staff. As soon as I became aware of the payment, I asked the recipient to repay it. As such I clearly acted in the public interest.
10. Given that I did not receive the grant, I did not at any time believe I had an interest that had to be declared or registered. I have always been careful about registering interests. I have registered my unpaid positions as Chairman of Naíscoil na Deirge, trustee of my local GAA club and treasurer of Conradh na Gaeilge na Deirge. I also ensured the prompt registering of an interest when a relative was temporarily employed by me as my Officer Manager to cover maternity leave. Had I ever suspected the grant payment required to be registered I would have had no difficulty in registering it. Even when studying the code in great detail to reply to you it is not clear to me that this is an interest that would need to be registered in light of the fact the grant was not paid to me, and even if it were paid to me, the provisions of chapter 2 paragraph 7 of the Guide To The

Rules Relating To The Conduct Of Members would indicate to me the grant was not a declarable or registerable interest.

11. It is correct that since the payment of that grant into the West Tyrone Development fund bank account LPS appeared before the Finance Committee. I do not however believe that I had any conflict to declare as I did not receive the grant. I also do not recall that particular grant scheme ever being discussed. I would imagine that any scrutiny of how the Department for Economy administered that scheme is a matter for the Economy Committee.
12. In summary therefore, as I did not personally receive the grant nor did I, or my staff, have access to the account it was automatically paid into, I had no interest to register or declare. By asking the recipient of the grant to repay it I adhered to my obligations to protect the public interest.
13. In light of the above I would make the following short response to the allegations contained within your letter of 23rd February 2021:
 - a. **4.1.1. Failure to adequately consider the public interest by not declaring receipt of £10,000.00 from LPS when discussed at Committee and when LPS appeared before the Committee**

I did not receive £10,000.00 from LPS and so I had no interest to declare.
 - b. **4.1.4 Failing to register in the Assembly's Register of Members' Interests details of your receipt of a Small Business Grant of £10,000.00 from LPS**

I did not receive £10,000.00 from LPS and so I had no interest to register.
 - c. **4.1.5 Failing to declare in the Assembly Finance Committee the £10,000.00 Small Business Grant received from LPS into your account**

I did not receive £10,000.00 from LPS and so I had no interest to declare.

- d. **4.1.14 Failing to declare the £10,000.00 Small Business Grant from LPS deposited into an account in your name leaves any comments made in the Committee or Assembly regarding any grant schemes open to the question of seeking to ‘confer an advantage or preferential treatment for either yourself or any other person.’**

I did not receive £10,000.00 from LPS. The grant was not, as is wrongly alleged, paid into an account in my name and so I had no interest to declare nor could any reasonable person think that I in anyway ever sought to ‘confer an advantage or preferential treatment for either yourself or any other person.’ In this regard I note the complainant has not highlighted any comments made by me that they say constitute a breach of the rule.

- e. **4.1.19 Failing to take reasonable care to ensure that your staff when acting on your behalf, took adequate steps to ensure the said £10,000.00 was returned.**

None of my staff had any role in returning the grant. None of my staff had access to the account the grant was paid into. I fail to see how I can be held responsible for the actions of anyone who is not employed by me.

14. Dr Aiken’s complaint is therefore without foundation as it is entirely predicated upon the incorrect assumption that I personally received the grant and that I or my staff had the power to return the grant. I trust that in due course you will agree with this assessment. I genuinely believe that I had no interest to declare or register. If my you find that my understanding of my obligations in this regard

are wrong then I shall be very annoyed at myself, and will regret my failure to register the interest, as I have always sought to act with integrity and in the public interest.

15. Whilst I have not directly referenced Mr Allister's most recent email of 6th February, the complaint of Mr Allister is in near identical terms to that of Dr Aiken and cites the same provisions of the Code. I trust therefore that the above response demonstrates that Mr Allister's complaint is also without merit.

16. I trust the above is of assistance.

Yours Faithfully,

Maolíosa McHugh MLA

Document 6: Maolíosa McHugh MLA Interview Transcript

COMMISSIONER: 0:49 So this interview is being tape recorded. I am Dr Melissa McCullough Assembly's Standards Commissioner, the other person present is Mr John Devitt, he is the second interviewer who is assisting me in this investigation. We are in Room 106 Parliament Buildings at Stormont, the date is Monday 29th March 2021 and the time by clock is 12:03pm. I am interviewing Mr McHugh MLA and the other person is Sean Doherty. Mr McHugh I wish to remind you that your representative is here only as an observer and is not permitted to ask or answer any questions on your behalf. But if you need to speak with Mr Doherty I am happy to allow you to do that. We have a breakout room if you need to step away we can pause the interview and then regroup.

So I am now going to ask you to formally take the oath. I have just put it up there for ease. If you could say that for the purposes of the recording

MM 1:39 I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

COMMISSIONER: 1:47 Thank you very much. Ok so for the purposes of clarity the matters that I am investigating relate to the complaint made by Dr Steve Aiken as chair of the Finance Committee and Mr Jim Allister MLA who is also a member of the Finance committee. You will have received full details of each of their complaints respectively as per my correspondence to you dated 13th November and further clarification from Dr Aiken and Mr Allister and you will see that Dr Aiken wrote to me on 2nd November 2020 where he outlined his complaint and then he further and more fully clarified his complaint in his letter of 22nd February 2021. And this is where he outlined in greater detail specific to his complaint his belief that you breached a number of rules within the code of conduct and that was important that I asked him to clarify that because I can't consider a complaint unless the rules are there. So that is where and Mr Allister's complaint is also contained with the

correspondence that I have given you and again he further clarified his complaint on 6th February. So both of these complaints focus on the issue of your alleged failure to declare a conflict of interest in relation to the small business grant issued to you from Land and Property Services and your failure to declare this conflict of interest on several occasions. For the record I wish to acknowledge that on Friday 26th March 2021 you corresponded with me by an email with your written response to these complaints. Also for the record I am now showing you that email letter which is unsigned and I am wondering if you would be happy enough to sign it for me here. This is it.

- MM** 3:39 My own letter
- COMMISSIONER:** 3:37 Yes this is your own letter but I don't know if you were aware that this was unsigned
- MM** 3:43 No I wasn't aware at all
- COMMISSIONER:** 3:45 If you don't mind signing that
- MM** 3:47 No
- COMMISSIONER:** 3:55 Thank you so much. Ok, that's now signed, that document. For the record I am going to read it into evidence.
Dear Dr McCullough, Complaint against me by Dr Steve Aiken. I refer to the above matter and your letter dated 23rd February 2021 in advance of my interview with you on 29th 1. please find below my response to the complaint made by Dr Aiken MLA. I hope this will assist your investigation.
2. At the outset I should say that the complaint of Dr Aiken and indeed the complaint of Mr Allister's is premised upon an incorrect assumption of facts. I personally did not receive any Covid 19 small business grant. I am neither the owner of the building that it was paid in respect of nor do I pay the rates of that building. I did not have access to the account the grant was paid into and neither did any member of staff employed by me. These basic facts of themselves demonstrate that the complaints are misconceived and that I had no interest to declare. I will however elaborate upon for you. In was co-opted onto the Assembly as a member of the West Tyrone on 28th May 2019. I replaced

Michaela Boyle who stepped down from her position. When I replaced Mrs Boyle I took over her constituency office at Unit 31a Melvin Road Strabane BT82 9PP. that office which is provided to me by my party is located in a building owned by the party. Whilst I use the office as my constituency office the owners of the building Sinn Fein pay the rates on this office. I therefore neither the owner of the office nor the ratepayer. I understand that the name on the ratepayer account is Maoliosa McHugh MLA, Strabane Sinn Fein office. That was certainly the name on the remittance letter that was posted to the office that first led me to become aware of the grant payment. I will return to that letter below however as you can see the description is not me in a personal capacity. If it was it would simply say Maoliosa McHugh or Maoliosa McHugh MLA. I understand the description is one that is used by my party to distinguish the rates being paid on my office from the other properties that party is ratepayer for. The name on the ratepayer account is there for description of the property. This again shows I am not the ratepayer.

5. I understand that the rates on constituency office I use are paid by direct debit out of the Sinn Fein bank account that is named West Tyrone Development Fund. I have never paid any rates on the office nor have I had any role in setting up the direct debit. This again shows I am not the ratepayer.

6. In March 2020 the Department for the Economy announced that they would provide a grant of £10,000 to all small business rate payers who are eligible for the Small Business Rate relief scheme. Around 27,000 would have been eligible. The scheme was set up in response to the pressures facing small businesses as a result of the Covid 19 pandemic. Small Business ratepayers that paid their rates by direct debit had the payment paid automatically to them into the bank account that Land and Property Services had on record for them. This may well be the first time such automatic payments were made and as such this was a novel approach to grant payment as those payments were paid directly into the bank account of rate payers who had made no request or application for the grants.

7. the £10,000 that is the subject of the complaint was paid under that scheme directly into the bank account on record for the ratepayer of my office. That bank account was the West Tyrone Development fund account

8. I became aware of the payment as the remittance letter was sent my office addressed to Maoliosa McHugh MLA, Strabane Sinn Fein office. I was of the clear opinion that such a grant should not have been paid to the ratepayer for a MLA's office. The money was not however under my control as it had been paid into the ratepayer's account the West Tyrone Development Fund account. Neither I nor anybody employed by me had access to that account. Neither I nor anybody employed by me is a signatory to that account. It was therefore not within my power to return the grant. What I did do was to ask an employee of Sinn Fein to return the money in May 2020. I have no control over that employee as I am not their employer.

9. the Money has been repaid although it was clear there was a delay in repaying it. that delay however is not attributable to myself or to any of my staff. As soon as I became aware of the payment I asked the recipient to repay it. As such I clearly acted in the public interest. Given that I did not receive the grant I did not at anytime I had an interest that had to be declared or registered. I have always been careful about registering interests. I have registered my unpaid position as chairman of

Clann na nGael

MM 8:50

COMMISSIONER: 8:51

Clann na nGael, I also ensured the prompt registering of an interest when a relative was temporarily employed by me as my office manager to cover a maternity leave. Had I suspected the grant payment required to be registered I would have had no difficulty in registering it. Even when studying the code in great detail to reply to you it is not clear to me that this is an interest that would need to be registered in light of the fact the grant was not paid to me and even if it were paid to me provisions of Chapter 2 Paragraph 7 of the guide to the Rules relating to the conduct of members would indicate to me the grant was not a declarable or registerable interest.

11 it is correct that since the payment of that grant into the West Tyrone Development Fund

bank account LPS appeared before the Finance Committee. I do not however believe that I had any conflict to declare as I did not receive the grant. I also do not recall that particular grant scheme ever being discussed. I would imagine that any scrutiny of how the Department for Economy administered that scheme is a matter for the Economy Committee.

12 In summary therefore as I did not personally receive the grant nor did I or my staff have access to the account it was automatically paid into I had no interest to register or declare. By asking the recipient of the grant to repay it I adhered to my obligations to protect the public interest

13 In light of the above I would make the following short response to allegations contained within your letter of 23 February 2021.
A 4.1.1 Failure to adequately consider the public interest by not declaring the receipt of £10,000 from LPS when discussed at Committee and when LPS appeared before the Committee. Reply – I did not receive £10,000 from LPS and so I had no interest to declare. B 4.1.4 – Failing to register in the Assembly's Register of Member's Interests details of your receipt of a small business grant of £10,000 from LPS. Reply – I did not receive £10,000 from LPS and so I had no interest to register. C – 4.1.5 – Failing to declare in the Assembly Finance committee the £10,000 small business grant received from LPS into your account. Reply – I did not receive £10,000 from LPS and so I had no interest to declare. D. 4.1.14 – Failing to declare the £10,000 small business grant from LPS deposited to an account in your name leaves any comments made in the committee or Assembly regarding any grant schemes open to the question of seeking to confer an advantage or preferential treatment for either yourself or any other person. Reply- I did not receive £10,000 from LPS. The grant was not as is wrongly alleged paid into an account in my name and so I had no interest to declare nor could any reasonable person think that I in any way ever sought to confer an advantage or preferential treatment for either yourself or any other person. In this regard I note the Complainant has not highlighted any comment made by me that they say constitutes a breach of the rules. E – 4.1.19 failing to take reasonable care to ensure that your staff when

acting on your behalf to adequate steps to ensure the said £10,000 was returned. Reply – None of my staff had any role in returning the grant. None of my staff had access to the account the grant was paid into. I fail to see how I can be held responsible for the actions of anyone who is not employed by me.

14 Dr Aiken's complaint is therefore without foundation as it is entirely predicated upon the incorrect assumption that I personally received the grant and that I or my staff had the power to return the grant. I trust that in due course you will agree with this assessment. I genuinely believe that I had no interest to declare or register. If you find that my understanding of my obligations in this regard are wrong then I shall be very annoyed at myself and will regret my failure to register the interest as I have always sought to act with integrity and in the public interest.

15 While I have not directly referenced Mr Allister's most recent email of 6th February the complaint of Mr Allister is near identical in terms to that of Dr Aiken and cites the same provisions of the code. I trust therefore that the above response demonstrates that Mr Allister is also without merit. I trust the above is of assistance, yours faithfully Maoliosa McHugh MLA.

No I just want to.

Whilst that letter is very informative and does assist my investigations so thank you for it. There are some unanswered questions from within that. And whilst we only received it on Friday I just wanted to take you through some of those statements to examine your various responses within that. So if you look at Paragraph 2. Now in paragraph 2 it states I did not personally did not receive any Covid 19 small business grants. You did however receive by post a letter from LPS. Correct?

MM 13:49 Notification. Yep.

COMMISSIONER: 13:53 And it was addressed to you as you say to Maoliosa McHugh MLA, Sinn Fein offices.

MM 14:00 Yep

COMMISSIONER: 14:01 OK as you state. It says here on Paragraph 2 I did not have access to the account the grant

- was paid into and neither did any member of the staff employed by me. Who are your staff members and where do they work?
- MM** 14:17 The staff members who are employed by me?
- COMMISSIONER:** 14:18 Yes
- MM** 14:20 Ruairi McHugh and he worked in my office in Strabane. He is my office manager.
- COMMISSIONER:** 14:25 Rory McHugh
- MM** 14:28 Ruairi McHugh
- COMMISSIONER:** 14:28 Yeah Ruairi. Ok and that's it? That's the only staff member?
- MM** 14:33 That is the only staff member in my office in Strabane. Yeah
- COMMISSIONER:** 14:36 OK. In that same paragraph you said you had no interest to declare. Now you sit as a member of the Finance Committee and as such you have a duty to ensure good governance of public funds. Is that right?
- MM** 14:49 Yep
- COMMISSIONER:** 14:52 In paragraph 3 it says that while the office, you talk about the office and I am asking you while the office is provided to you by your party you confirm that you use it as your constituency office
- MM** 15:07 Yes
- COMMISSIONER:** 15:12 And you say I am therefore neither the owner of the office nor the rate payer.
- MM** 15:15 No
- COMMISSIONER:** 15:15 So how is it that your name has come to be held on the system by LPS with the account [REDACTED] sort code [REDACTED]?
- MM** 15:29 I think that was put on the name above the offices as such whenever I came into the position as MLA. I was co-opted as MLA and the person who was there prior to me being MLA was Michaela Boyle so my name went on the office account as such in terms of the constituency office and that would have been dealt with at that time by the person who was the office manager who was then on maternity leave and Ruairi McHugh had been appointed that position in the meantime. So whenever I came in there as an MLA because my name is going above the door in a sense, right, yep that the office manager at that time would have put it on the rates account. Just the same thing as it is with the electricity account. The electricity

- account could come into our office and it will be in my name but all of the payments for electricity are done by me and are claimed back from the Assembly.
- COMMISSIONER:** 16:37 OK
- MM** 16:36 But that's not the case with rates because we owned our own office, Sinn Fein rather than me. We owned our own offices. Sinn Fein do not claim rates. We don't claim rates back from the Assembly. So any rates that are paid, are paid by Sinn Fein not by me and they are not claimed back as well
- COMMISSIONER:** 16:59 Is that normal. Is that the way everybody operates
- MM** 17:02 To the best of my knowledge that if you. Let's say if I was renting offices and I was paying rates, I claim that back from the Assembly and that in fact would go into my own personal account that I would claim back from the Assembly as such. Right. But if you own your own offices then you don't claim your rates back from the Assembly. So we don't pay, we don't claim rates back from the Assembly or anything. In a sense even the very fact that my name would have been above the door in a way it wasn't even my mind because we weren't claiming rates back from the Assembly.
- JD** 17:45 Sorry Mr McHugh can I just clarify for my understanding. Your only staff member is Ruairi McHugh. Is that right?
- MM** 17:53 At that point in time. Yes. My office manager
- JD** 17:56 When you took over from Michaela Boyle?
- MM** 17:59 Yeah. But sorry when I took over from Michaela Boyle, the office manager was Grace McDermott but then she went on maternity leave and I think it was on 1st January that she went on maternity leave. So Ruairi McHugh was then appointed as the office manager to cover her maternity leave.
- JD** 18:21 OK so just bear with me for a second so I can clearly understand what you are saying. So Grace McDermott went on maternity leave, she was then replaced by Rory McHugh
- MM** 189:34 Not Rory, Ruairi. RUAIRI.
- JD** 18:38 Yeah. So she was replaced by Ruairi who was your member of staff
- MM** 18:43 Yes
- JD** 18:43 And he was responsible for the management of the office. Is that correct?

- MM** 18:47 Yes
- JD** 18:50 And in his role as management of the office, what exactly did his duties entail?
- MM** 18:57 As the office manager?
- JD** 18:59 Yes
- MM** 19:00 He would deal with all the correspondence and that that would come into the office in relation to the MLA and would oversee all of those affairs that basically are his duties in supporting the MLA in his role.
- JD** 19:18 So he would have known at that time and correct me if I have misunderstood this
- MM** 19:22 Sure yeah
- JD** 19:23 He would have known at time when you were in receipt of the correspondence that the Land and Property Services sent to you what the content of that letter was.
- MM** 19:31 Yes he sent it to me for my attention actually. He was the office manager so he would deal with my mail as well whenever it comes in and having received notification, he brought it to my attention.
- JD** 19:45 OK thank you.
- COMMISSIONER:** 19:47 So you received this letter as you say it was addressed to you as Maoliosa McHugh MLA 19:56 at 31a Melvin Road Strabane, Tyrone. And that's the first you became aware of the grant payment
- MM** 20:04 Yep the first I became aware of £10,000 being paid into an account in my name. First I became aware of that
- COMMISSIONER:** 20:14 And what date was that roughly
- MM** 20:17 It was in the month of April, probably early April in around 13th, 14th in around that time yep
- COMMISSIONER:** 20:27 And then what action did you take thereafter that letter?
- MM** 20:32 When it was brought to my attention in the first instance I had to establish where's this money going or what's it for or what account are they talking about here. Because I had no knowledge at all of the account that was actually dealing with rates for that building or for those office as such. And having checked that out with the constituency organiser who is not employed by me, it was confirmed that this money had been paid into the West Tyrone Development Fund and all of the details and records for that account was held in our Omagh office and the Western

- organiser was the person who was also responsible for dealing with the affairs that was in and out of that account as such. Now he hadn't received the notification we had so when I say we, my office had received the notification and then checking out where the actually account was at we made him aware as well too that this money had been paid in, in my name, into the West Tyrone Development Fund account, the account that he was in charge of
- COMMISSIONER:** 21:46 And so did you, how did you make him aware, did you call, email him, give a copy of it
- MM** 21:51 Yeah and we actually, we talked to him on the phone and we actually had sent him a copy of the remittance and that as well too
- COMMISSIONER:** 22:03 OK
- MM** 22:06 And if I might just add as well that at that time when we talked to him about it, to find out, what is this essentially was the question we were asking at the outset because all of this was new to everyone in terms of even the grants and the likes too. And he confirmed that the reason why it appeared to have .. he checked he started to check this out. The reason why it appeared to have been paid into this account was because of the fact that they paid the rates and they paid them by direct debit and I think that his explanation at the time was because of people who paid rates by direct debit that was why this unsolicited payment came in to the account and I knew, I knew myself that we were not a business as such, we are a political party and that I knew too that it wasn't anything that I was entitled to one way or the other even though it wasn't going into an account in my name anyway. But I asked him to make sure, made arrangements to pay that back.
- COMMISSIONER:** 23:11 OK. So beyond that, I will come back to that actually.
- JD** 23:26 Can I just establish Mr McHugh what the name of that individual is in the Omagh office that you communicated with
- MM** 23:33 The name of the person?
- JD** 23:34 Yes
- MM** 23:34 Barry McColgan
- JD** 23:41 Barry McColgan
- MM** 23:41 Yes

- JD** 23:44 And just so that I can recap to what you said is that you contacted him by phone and email I think you said.
- MM** 23:51 Yep we brought the communication of the letter to us immediately to his attention. First by phone enquiring what is this or where is it going to and we sent him on a copy of the actual letter from the Land Property Services as such showing the identification of the amount and the account that it had been paid into as such. Or not the account cause it was only numbers. We were actually checking with him what account is this or who actually deals with this and he was able to confirm then
- COMMISSIONER:** 24:28 And was it at that stage you said to him to pay it back
- MM** 24:31 Yeah
- COMMISSIONER:** 24:33 OK
- MM** 24:35 **24:35**
- COMMISSIONER:** 24:36 So that was about May
- MM** 24:38 Probably May time yeah in May time because you know it's the Easter holidays and the likes of it and normally Barry McColgan at that time would have maybe have been in our office once a month or something as a constituency organiser in the whole constituency dealing with different offices or dealing with different coms or whatever.
- COMMISSIONER:** 24:59 And did you ever check with him or find out if he paid this money beyond that first time when you asked him to pay it back
- MM** 25:06 Yeah. I brought this to his attention in May and again in June and in fact in June and Ruairí McHugh as well was able to confirm with me he says I was even there too whenever you were talking to Barry McColgan about it
- COMMISSIONER:** 25:22 In June
- MM** 25:24 And that I remember asking him again in June has this been sorted. Yeah he says aye I am in the process of sorting it he says I am getting touch with LPS to see how I pay it back. But it is being sorted.
- COMMISSIONER:** 25:37 So beyond June then
- MM** 25:40 Beyond June I wasn't in contact with Barry about it then again. As I say I was lead to believe that it had been sorted.

- COMMISSIONER:** 25:47 Ok so June was the last it was discussed in terms of and is that because you assumed after the second time asking that it was done or
- MM** 25:55 Do you know it might even have been more than two times over that period I had actually said that you know initially in the phone call and that at the very outset, then in May it had been raised with Barry and in June again it was raised with Barry whenever I said to him is this sorted you know and that was when he told me yes it is being sorted. I was surprised as everyone else to realise at the time that the news broke that we were still in the frame then. I didn't even know
- COMMISSIONER:** 26:27 OK. Now I realise that in your description in paragraph just to bring you back to your statement, paragraph 4 you say that the description is not you in a personal capacity, if it was it would say your name or your name with MLA. So I guess you are saying that you know it begs the question that if somebody, if I was one of your constituents and wrote to you as Maoliosa McHugh, Strabane Sinn Fein office or Maoliosa McHugh MLA Strabane Sinn Fein office that you wouldn't deal with you in your personal capacity. Do you see what I am saying? It is almost as if this ratepayer name is being made part of this in a big way but this name I am not so sure. I guess I want to get your view on that. Do you understand what I am saying?
- MM** 27:20 Yeah I can understand entirely what you are saying yeah. That it was the offices and the offices themselves had the responsibility for the payment of the rates or for anything that was to be received. Let's say we were entitled to the grant even it will be going to that account not to me. It wasn't coming to me at any point in time and there is no confusion on that whatsoever even within my own party and they carried out a thorough investigation in this whole matter as well too. 27:54 yes very much so. In fact even to the point where the other mentioned person lost his job as the result of it because our party leader had assisted in dealing with public finance we have to maintain the highest standards throughout and having carried out a very thorough investigation on the whole matter I had no involvement in either the receipt of it. I didn't even see the statements for that bank account. They actually went to our offices in Omagh and not our offices in Strabane so I had

- no involvement in that other account in any shape or form.
- JD** 28:38 Clarify for me this Mr McHugh if you can. How did your name come to be on the Rates Account?
- MM** 28:48 Whenever I came in as a MLA in 2019 and that was whenever the office manager at that time would have been arranging to have the names put onto the different accounts which just would have included the rates account as well too i.e. for identification.
- JD** 29:10 The reason I am asking the question is you now understand that I am trying to understand why LPS wrote to you but they wrote to you because your name was on the rates account.
- MM** 29:22 If my name wasn't on that account it just would have went to the Strabane Office
- JD** 29:25 I am glad you clarified that so it follows then that because they wrote to you, you were in you had knowledge immediately at the very outset
- MM** 29:38 At the outset when it was brought to my attention
- JD** 29:40 This money came to you because it was addressed, sorry the post, the letter from the Land and Property Services came to you notifying you of this grant
- MM** 29:49 Yes
- JD** 29:50 You then spoke to your then office manager Ruairi McHugh
- MM** 29:55 Actually it was the other way round. He was actually the person who received the letters in dealing with my mail, he would have brought it to my attention that this has been paid into an account under my name and I "no account under my name" what is this`
- JD** 30:13 And I just want to be fair to you and clarify that because it was addressed to you, you then took personal ownership of that problem?
- MM** 30:24 Whenever you say personal ownership and that
- JD** 30:29 Well you have told us
- MM** 30:31 Ownership of finding out exactly where this money was going to and who was in control of it, in what account. I took ownership of that part of the problem and I took ownership of it in as much as that I asked those people as well to make sure that this money was returned, so whenever you say ownership like I didn't feel that I had received any money.
- JD** 30:58 No I am just trying to understand and be categorical about the sequence of events

- because your office manager brought it to your attention you then dealt with it in your capacity as an MLA
- MM** 31:11 Exactly yeah
- JD** 31:11 So you then effectively did take ownership to address the problem as you understood it to be at that time. Is that a fair analysis?
- MM** 31:20 The problem at that time was that as I would have seen it was that monies had been paid into an account that my name was in some way attached to and that I knew that I neither received the money or should I have received money and I acted in what I believe, still believe in a proper manner in bringing to the attention of the people who had control over the accounts that actually dealt with that and had asked them to make sure that this money was returned.
- JD** 32:02 OK I understand your response to that I am just trying to clarify that you are trying to distance yourself from the money itself, the grant, but your name was on the account
- MM** 32:19 I accept that
- JD** 32:20 So your name was on the account, that where the money came into the account that may well have been West Tyrone account but was actually your account at the same time.
- MM** 32:31 No. The West Tyrone was not my account at the same time. Whenever you are using the term account here that account in terms of I would see as definition by the Rates Department they see that as an account but the account is you know is that which is held and owned by Sinn Fein. So that the two are not the same and the one thing and I think we all understand that but I never would have seen that description of the rates, let's just say as an example if it had been a number which rates used as well too in identifying who it is or where it is that they communicate with. That's as much of an account that it was in that sense but I didn't see it.
- JD** 33:30 We will maybe come back to it later because I just want to get clear in my head the sequence of events.
- MM**
- JD** 33:35 Sorry to interrupt you, carry on
- COMMISSIONER:** 33:39 Yeah because it is an important point I understand you're saying that it is obvious the LPS account had your name attached to it but the bank account that was attached to the LPS

- account was not yours so there was. That account was with West Tyrone
- MM** 33:53
COMMISSIONER: 33:53 West Tyrone so however in doing, in having your name attached to the LPS account therein lies the issue here because you then have taken with your name on it and you embark on figuring out why your name is on this, what bank account is this going to. And then ask them to pay it back
- MM**
COMMISSIONER: 34:16 Yeah
- Because your name is attached to the account for LPS, which is why we are here. So when I look at. I think we have nearly exhausted the West Tyrone Fund in my view with the account name Maoliosa McHugh but where I want to move to when you became aware of the payment you asked the recipient to pay it back and you did that based on the knowledge that your name is attached to the LPS account
- MM**
COMMISSIONER: 34:56 Yeah
- So I guess I move on in my head to understanding when you talk about in paragraph, I am jumping around a little bit I might have to go backwards but in paragraph 13 and 14 you go on to say you take no responsibility. I didn't receive the £10,000, I didn't receive it. You repeat that. In relation to the rules of the code of conduct 1, 4, 5.14 in particular and 19. Now I guess I wanted to get your view on a conflict of interest. What is your view. How do you see that because in here you say you have no conflict of interest and yet earlier in this interview you talked about your understanding about the funds and the public interest as a member of the Finance Committee, so I just wanted to get your opinion on that
- MM** 36:03 At times I am being over simplistic this in that I think that the conflict of interest that where either I'm receiving a benefit or that anyone I am associated with say like a club, an association that I belong to that in some way that they are receiving a benefit and I have interest on that. I would see that as a conflict of interest.
- JD** 36:26 OK so on that basis then if I have understood what you said correctly you represent the party that you represent
- MM** Yes

- JD** 36:38 From what you have said that then gives me the impression that the party was benefitting from this grant that they were not entitled to, you were aware of that and you as a party member were also benefitting from that grant at that time
- MM** 37:02 If I had been aware of that at that time I would have declared it and I wasn't aware of it at that time. Whenever I say I wasn't aware of it at that time I thought the matter had been dealt with. I thought the matter had been dealt with at that point in time and it wasn't even in my head that and in terms of whenever we were having a meeting with Ian Snowden from LPS that there was still an outstanding issue or that my party was going to benefitting because I never expected my party to benefit from it at any point in time and that money was going back so therefore I never would have seen myself as having a conflict of interest in that I was hoping to benefit from funds that had been wrongly paid into a Sinn Fein account by LPS and you know that one would have to be aware of having had that conflict of interest in themselves to declare it because to do otherwise would mean that I was sitting there and I knew that this was all happening, that we had £10,000 in an account and I am not going to say anything about it you know then that. Well to me that would be completely and absolutely wrong you know
- JD** 38:18 Well perhaps you can answer me this question. At what time. When did you understand the money had been paid back
- MM** 38:29 Yeah when it broke on the news and on the radio station and that. That was when I first became aware of that and that was when, was it October, October.
- JD** 38:41 Right so just to be fair to you so that I have understood the analysis and the chronology of this event. You got your Ruairi McHugh, your manager to contact Barry McColgan at the Omagh office
- MM** Yes
- JD** 39:00 You asked him to pay it back, to make sure that it was paid back and you then checked on that again in June, possibly once or twice in June.
- MM** 39:14 Yeah, in May and June. I am sure of that yeah
- JD** 39:17 So between May and June. Let's say June . between June and October what action, efforts did you take to ensure that you were comfortable

- MM 39:36 that the money had been paid back and that you were no further compromised.
- JD 39:56 I hadn't taken any other actions and I never even thought about me being compromised. I assumed that it had been dealt with. I accepted the word of the person that I was dealing with that he had dealt with it.
- JD 40:00 I am using the word compromised because you actually sit on the Finance Committee
- MM Yeah
- JD 40:00 And you were privileged to sit on a number of meetings where LPS were giving oral evidence.
- MM 40:08 And that was in September that the LPS meetings had actually taken place. And as I say it wasn't even in my mind at that stage anymore. Wasn't in my. It just wasn't in my mind.
- COMMISSIONER:** 40:23 And that was because you believed that it was paid back is that correct
- MM 40:22 I thought it was gone back. I thought it had been dealt with at that time and you know that even, you don't mind me saying this. Let's say in the month of April if LPS had been in a week after I would have received that kind of notification I wouldn't have thought it had been an issue that I would raise with Ian Snowden from LPS I would have thought it would be an issue that would have been dealt with by officials at other levels, officials within our party or whoever does that they pay back to or the likes of that. So that after having given that instruction and been led to believe that it had been dealt with it wasn't in my head at all
- COMMISSIONER:** 41:14 So can I just confirm you are saying that even had this been exactly after you received it you wouldn't have seen this or identified as something that you should have declared at the finance Committee Meeting.
- MM 41:26 Well you know
- COMMISSIONER:** 41:27 Yeah at that time, at the given time
- MM 41:28 At that point in time quite possibly I would have thought that is something that has been dealt with you and I would have made that assumption it has been dealt with and I would have thought it. If I had a problem and I knew it was a problem then I would maybe have alerted or put the question to a representative from LPS that would have been at the meeting but other than that being..

- JD** 41:55 Let me ask the following questions then. In relation to your engagement with your then office manager, your member of staff, Ruairi McHugh and his engagement with Barry McColgan did you at anytime ask Ruairi to make sure when that money was paid back by Barry that Barry notified you by email or Ruairi by telephone
- MM** 41:18 No
- JD** 41:18 You didn't?
- MM** No
- JD** 42:21 So between June and October what meetings would you have had with your member of staff Ruairi who was also the office manager
- MM** 42:33 I would have met Ruairi on a regular basis in fact at that stage very often I could have been in Stormont three or four days a week. And any days I am not in Stormont I am in the office and I would have been meeting with him regularly. Every week.
- JD** 42:48 And is that a meeting that would have been an agenda item meeting, a casual meeting
- MM** 42:55 No it would have been just a casual meeting like you secretarial backup as such
- JD** 42:58 OK and at any of those meetings did you not consider it necessary to ask Ruairi can you reassure me that that money that I asked Barry to pay back has been paid back
- MM** 43:12 No I didn't ask him. If I said I did I would only be lying. I didn't ask him and just to say Ruairi was aware of it as I was and he believed just as I did too that this had been dealt with and I didn't pursue it any further and I am sure that the last time was talking to Ruairi on that issue was in the month of June
- JD** 43:33 But you have told us this afternoon that your party conducted their own investigation into this
- MM** 43:45 This was after. This was after the whole thing broke out in the news about monies not being paid back
- COMMISSIONER:** 43:48 Can you tell us about that. So you go from the June that is the last you speak to Ruairi or McColgan about this
- MM** 44:01 I wouldn't see Barry McColgan that much at all even in that respect because he is in a totally different office and he is not my employee, he is Sinn Fein's
- COMMISSIONER:** 44:10 But for all intents and purposes you thought you had put that to bed that it was paid back so from June until what point in time and what exactly

- happened at that point in time when you were alerted. Is it a call from the media, is it on the media, what exactly, could you talk us through that?
- MM** 44:26 Call from the media. Yeah. That was in the Nolan show at that time and someone from the media rang me up and they asked me were you aware that your offices received this grant and I was. Were you also aware that it hadn't been paid and knew at that stage it hadn't been paid back and when is it being paid back and I knew that by this stage whenever I went back to Barry McColgan it was paid back on that day. And that was the first I knew of it.
- COMMISSIONER:** 44:59 OK
- MM** 45:00 And his response at that time was that if I had "given it as much attention today if I had given this as much attention as the day whenever you raised it me Maoliosa it would have been dealt with long before now".
- COMMISSIONER:** 45:14 I would have been sorry would you repeat that
- MM** 45:18 "If I had given this as much attention at the time that you raised it with me as I did do today it would have been resolved long before now." That what his comment to me was. Now and as I say he himself in fairness to him he himself came out and said totally his fault that I had instructed him or not instructed had asked him he is not my employee for me to be instructing him as such but had asked him to pay it back and that he didn't do it at the time. He put it on the long finger. He put it on the long finger and it hadn't been dealt with and as I say that was what left me in the situation of where 1. I thought it had been dealt with and 2. that where I never and then at that stage since September, October whenever LPS was in Finance Meeting that I had an interest to declare at that stage
- JD** 46:21 I am trying to clarify Mr McHugh so that I understand it correctly between June and when you got the phone call from the media outlet there was no further discussion by anybody about this money.
- MM** 46:40 No not really no. I know. Not that I can recollect anyway
- JD** 46:48 So enlighten me to this aspect of Ruairi McHugh's role as your office manager. Does that entail any aspect of funds?
- MM** 47:02 He would make the returns, he would submit the returns to Stormont for any expenses that I incur

- in our office. In other words as an example, the electricity, he would send up those bills to Stormont and they would reimburse him but in terms of him handling finance or the like of that no. He has no involvement at all either in sanctioning expenses the likes of 41:19
- JD** 47:36 So does he have access to petty cash within your office or account
- MM** 47:40 No effectively that, let's say that we need materials for our office I have to go out and buy them. I go out physically and buy them myself and pay for them and that receipt is taken in and I give that to Ruairi McHugh who in turn then sends that into Stormont and then reimbursed
- JD** 48:00 So he, what I am trying to establish I suppose, clarify is that his role then is albeit a member of staff who is also the office manager. Did he have any authority to sign cheques or make payments
- MM** 48:14 But I don't have any cheque book account in relation to that office
- JD** 48:18 I am not saying you I am asking about Ruairi
- MM** 48:21 But what I mean even in relation to the expenses for that office there is no chequebook account in relation to the expenses for that office. Any expenses in relation to that office they are either done directly you know with Stormont where they have a system set up for as I say they are paying the electricity about the only thing. Or let's say if we were doing renovations within the office with the likes of it that was covered by Stormont then those bills are submitted and they pay them directly not us. We don't pay them. So there is no cheque there to pay out any expenses in relation to the office and any of the other like what would essentially would be like petty cash type expenses it could include toiletries and things of that nature I actually go out physically and purchase them and I submit the receipts for that then as well too and they are paid directly into my account, my own bank account. It is paid into my own bank account. But there is no petty cash for that office or anything of that nature. And the only thing that you have then to is office supplies such as stationary and all that sort of stuff it is all ordered through Stormont. No cash involved. Ruairi McHugh signs no cheques.
- JD** 49:40 OK Thank you
- COMMISSIONER:** 49:42 I suppose what this leads me to is that this six month gap which you felt by June was closed

and paid off because it has your name against it in LPS terms it creates an issue or perception within that timeframe that the money wasn't returned and that you did know about it. The perception. What you are explaining here, that you believe it to have been paid back, you then find out it wasn't paid back in October from the media

- MM** 50:20 Exactly yeah
- COMMISSIONER:** 50:23 What was going through your head at that stage when you receive the call you realise this whole time, what is your main worry at that stage
- MM** 50:35 I was shocked. I was shocked I thought Oh my God has this not been dealt with. Totally, absolutely shocked and that again I went back to the constituency organiser he says that it is sorted now. In other words there was no confusion about monies going back in a sense. In that he knew that had to be dealt with. But I was totally shocked. As much shocked as anyone else was
- COMMISSIONER:** 51:03 Did you think at that point that it put you in a bad position?
- MM** 51:10 My own personal integrity, I hold it above and beyond everything else even beyond that of my party and I made them aware of that as well too. But in West Tyrone a lot of people who know me and they have known me for a long time and my personal integrity goes above that.
- COMMISSIONER:** 51:32 Thank you for that. But I suppose that explains why that would have been quite shocking to you.
- MM** 51:39 It was shocking to me. Not only does that impact on me and even the way it was being presented on the radio that you would have thought that in some way I had a personal gain out of it. They described it as Steve Aiken does here that it went into my account and all this sort of language and all. It is a reflection on only me but my family and I was hurt about it.
- COMMISSIONER:** 52:05 I understand.
- MM** 52:07 Extremely hurt about it and it is for the same reason that the head of our party Mary Lou McDonald was involved in the whole investigation into this as well and it was regarded at that level of seriousness in every respect and she was only too well aware of how I felt about that at the time.
- JD** 52:32 And in relation to the topic of your integrity which you clearly articulated is critically important to you.

- MM** 52:41 Above and beyond everything else
- JD** 52:42 If that is correct then would it not have been more sensible and wiser of you to articulate that much earlier on and ensure that Barry McColgan had done what you had asked him to do to protect your integrity
- MM** 53:05 It's all so easy after the fact. But at that point in time I never thought for one second that it was in danger. Not for one second. I thought that it had been dealt with completely absolutely and it wasn't until this broke and it was being presented in such a way that where it was very much a personal attack on me. A personal attack on me in fact at the outset even whenever it first would have come to my attention and I had given that instruction I thought it was really straightforward to go and get this sorted out. I didn't really. I never thought for one second that it was going to have the .. so that I wasn't sitting thinking in the month of May or June that I had to go out to defend my personal integrity at that time. I never felt under attack at that time in terms of my own personal integrity.
- JD** 54:06 OK Thank you
- COMMISSIONER:** 54:09 I have drafted this sort of time line and the reason that I am bringing it up is to show you our understanding and to see if you understand the same. So on the 3rd April LPS sends the grant for 10 grand to that account which now established as the West Tyrone account. The LPS account is in your name but the money went into the Development Fund, the West Tyrone Development Fund. There is a remittance by mail sent to you in the post that you received. Now beyond the 3rd April there are five Finance Committee meetings. There is a check that we have sight of and there is a Nolan Show between the 5th, between the 14th, the committee of the 14th and then you have the 26th October. And I suppose what I was going to show you which I don't have the access to now, we were having difficulties with the WiFi in this building no surprise. And I was just going to show you where at each of those events in green, each of those Finance Committee meetings Dr Aiken asks you and it is very clear in these clips that I was going to show you do you have any interest to declare and you have now explained to us if I am correct in recalling what you have said earlier that you would not

- have thought that there was an interest to declare because your view was that it was paid back in June.
- MM** 55:38 yeah
- COMMISSIONER:** 55:38 OK. Equally on the 7th and 21st and these are clips you can't look at because I am not able to play them here. But there was a lot of discussion with LPS and my question to you is you have mentioned it already but I just want to be very clear for the record that at no time did that jog your memory just to double check with Barry McColgan that he paid it back. It just didn't happen
- MM** 56:04 No, never even came in to my head.
- COMMISSIONER:** 56:06 And do you wish it did
- MM** 56:07 I am sure I do yes. But it never even came into my head once that it was still an outstanding issue
- SD** 56:18 Commissioner, I appreciate I am not allowed to give evidence, can I seek a point of clarification? Is it suggested that this particular grant scheme was discussed at any of the meetings?
- COMMISSIONER:** 56:26 The grant scheme is for small businesses were discussed at some of these meetings.
- SD** 56:31 This particular rate relief scheme
- JD** 56:31 Yes
- COMMISSIONER:** 56:34 Yeah they went on in fact they were talking about the payments that had to go back because this is when the Nolan Show you know along those lines there was a lot of talk about money going back to wind turbines and whatever Nolan had uncovered and that it appeared to me that they were discussing it an awful lot in these Finance Committee Meetings, Mr Snowden and his colleagues were there at one stage. And so we, on 26th October I want to ask you about this. Do you know much about a contact that was made to LPS to ask them how to repay the grants?
- MM** 57:16 Initially whenever I queried this with Barry McColgan he told me that he was attempting to make contact with LPS to see how to repay this and took that. That was at the initial stages how to repay this. I was told that at that time.
- COMMISSIONER:** 57:36 But not on the 26th is that it when you were told
- MM** 57:39 26th October ?
- COMMISSIONER:** 57:40 October time is that when McColgan.

- MM** 57:43 No No. This was at the outset. 26th October, contacting, asking.
- COMMISSIONER:** 57:50 Mr Snowden was contacted on 26th October by someone he..
- MM** 57:54 Alright well that would have been Barry McColgan again too. If they are saying that someone contacted them on 26th October about how to repay the grant that would have been Barry McColgan. Not me.
- COMMISSIONER:** 58:07 On that same day they received the money
- MM** 58:12 That would have been Barry McColgan
- COMMISSIONER:** 58:11 It went to the Newtownabbey Branch Cloughfern
- JD** Cloughfern
- MM** 58:17 But no that would have been Barry McColgan who would have dealt with that at that time. I knew nothing about that.
- COMMISSIONER:** 58:24 OK. I mean that cheque we have sight of that cheque and it actually has a date of 15th October. You wouldn't know anything about the cheque
- MM** 58:30 No No I knew nothing about that.
- COMMISSIONER:** 58:32 OK. These were the. This was some of the discussion I was going to show you if required and they are from the September 30th meeting, the October 7th meeting and they were just to show that yes it was brought up and yes in terms of does anybody have a conflict and yes some of these meetings actually had Mr Snowden from LPS and of course you are saying that none of them jogged your memory to perhaps ask. There was an October 21st Finance Committee meeting as well where it again it was asked. And then I just want to bring your attention to these things. It then broke on Nolan. And the outworkings of this were that this actual grant money was only paid back once it was found to have not been paid back by the media and I guess what I wanted to ask was and you could see it on all the media outlets. What I was hoping to ask was you know when would this have been caught, when would you or anybody have known that if it wasn't for the media. Do you know?
- MM** 59:55 I couldn't speculate about that. I couldn't speculate about that but I know that if it hadn't. I just couldn't speculate about that. There is no good in me pretending otherwise. Had it been brought to my attention again that this still hadn't

- been repaid then I would have dealt with it again. I would have taken it a stage further. In fact it was a question that was put to me within our party that had I not put this up the line. I said I thought I had done whenever I went to the constituency organiser that I had been up the line and said I need this dealt with, I need this done or you know pay this money. So that if that had of continued to be the case and I was aware of it. If I was aware of it I would have ensured then that it would have been paid back. So but you know
- JD** 1:00:49 But that's why I asked you earlier on the question as to what meetings, communication from June until October there was with your office manager with Barry with whoever else and you are telling us if I understand you correctly that at no time from when you were notified by correspondence by post by the LPS until October that you didn't realise this money had not been paid back.
- MM** 1:1:21 I did not realise it had not been paid back. But I also told you too that on a number of different occasions I had actually raised this directly with Barry McColgan and we didn't have minuted meetings on it but he would come to our office maybe again intermittently maybe once or twice a month or the likes of it and it was raided with him particularly in the month of May and in June.
- JD** 1:1:44 But did you not say to Barry, "Barry my reputation is on the line here would you please make sure that that is paid back and will you please notify me as soon as its paid back because I want a clear conscience
- MM** 1:1:57 In retrospect that would be have been the right thing to do. But I never believed that to be the case at the time. That my reputation was on the line or anything else. I probably had more confidence in him as the constituency organiser and that he would carry out his duties.
- JD** 1:02:19 So getting back then to the media. When you were contacted and you then made the phone call presumably to Barry and said the press are hounding me, what's going on? What did he tell you?
- MM** 1:02:35 He told me that it is being dealt with. I think maybe it was the day before or the same day I just can't confirm exactly the dates but he says aye I have got it paid now.
- JD** 1:02:48 Can you tell me this. The Commissioner has alluded to the cheque that was made out on 15th

October and has two signatures on it. Do you know Helen McErlain?

MM 1:03:01 Helena?

COMMISSIONER: That's it there

MM Yeah

JD 1:03:04 I'm sorry I wasn't sure if it was working.

COMMISSIONER: 1:03:06 There you go just in case you want to see it

JD 1:03:09 Who are those signatures? Can you tell us?

MM 1:03:15 Helena. I know Helena she works in the Omagh office. And who is the other? Is that.

COMMISSIONER: 1:03:25 We can't make it out ourselves.

MM 1:03:29 I'm sure that other one and I can't make it out from that signature there. Is a

JD 1:03:35 Well let me show you the hard copy that I have got that maybe is clearer. I don't think it is maybe clearer.

MM 1:03:43 Yep. No its not any clearer.

JD 1:03:59 Well then perhaps you can answer me this question

MM 1:04:00 Yep sorry I can perhaps answer your question in another way. I think that is Catherine yep

JD 1:04:15 You think that's?

MM 1:04:16 Catherine

JD 1:04:20 That is Catherine, I do have her details here.

MM 1:04:24 Catherine McColgan

JD 1:04:28 That's not Catherine Kelly?

MM 1:04:31 Oh Aye she was Kelly. Aye her married name is McColgan aye. Catherine Kelly yeah that is who it is. I call her. Sorry my mistake

JD 1:04:37 So that is Catherine just so that I understand this correctly.

MM 1:04:41 Catherine Kelly aye

JD 1:04:41 That signature on 15th October is Helena McIlhain is that right?

MM 1:04:48 McElhone I think her second name is

JD 1:04:51 And the signature of the West Tyrone MLA Catherine Kelly

MM 1:04:55 Yeah

JD 1:04:58 Thank you.

MM 1:05:02 And I am sure that you are well aware too that Catherine Kelly was asked to stand down as well too as a MLA because of the very fact that she

- was a signatory to that account and would have seen as I say the statements to that account and whatever else there might have been. She lost her job as well.
- JD** 1:05:26 Well then just for clarification and I wasn't aware of that so thank you. She was a MLA at the time when she signed that cheque.
- MM** 1:05:35 Yeah
- JD** 1:05:37 Why were you as a MLA not authorised to sign cheques?
- MM** 1:05:41 Because I had nothing to do with the account. I am not authorised to sign cheques with say whatever accounts that Sinn Fein have I don't know. Different accounts that they maybe have in different areas but there was no need for me to be authorised to sign any cheques anywhere because in my office I deal with all of my own financial affairs. Completely and I don't. I am not signatory to any account in Sinn Fein
- JD** 1:06:07 But the perception rightly or wrongly is that the correspondence from LPS was sent to you in your name into that account with your name attached to it.
- SD** 1:06:22 I think we clarified that point. It's not. There is two accounts. There is a LPS account and a bank account. Mr McHugh's name is not attached to the bank account.
- JD** 1:06:30 But I asked the question to Mr McHugh and I will ask you to respect the rules. For clarification Mr McHugh you were notified by the LPS in early April about the grant.
- MM** 1:06:46 Yeah
- JD** 1:06:48 That was in the ratepayers account which the account was in your name at that time.
- MM** Yeah
- JD** 1:06:51 OK. Now that cheque and you will see the cheque number on there [REDACTED]
- MM** Yeah
- JD** 1:07:05 And the sort code is exactly the same account number and sort code that LPS notified you about the grant going into.
- MM** 1:09:19 Yeah
- JD** 1:07:19 So your name is attached to that account.
- MM** 1:07:23 No it's not.
- JD** 1:07:25 Well tell me how it's not..
- MM** 1:07:27 It's not attached to that account in any physical way at all. You know I had no authority on that

- account. I don't sign cheques to it, I don't pay monies into it, I don't see statements for it. I have absolutely no associations to that account
- JD** 1:07:46 Well let's just backtrack and you may wish to reflect on your answer when you say you have no association to that account. You do have an association to that account because LPS have your details there. You have further association because you got your office manager Ruairí to make the phone call to Barry to say that this needs to be repaid. That's fair comment is it not?
- MM** 1:08:13 Yeah
- SD** 1:08:14 I am going to ask for break to confer because I am not happy that evidence is being characterised in the correct fashion so I would like to confer with Mr McHugh
- COMMISSIONER:** 1:08:22 Let me turn off the mic.
- JD** 1:08:23 Actually no problem. I am trying to be clear and clarify in my understanding of what your evidence actually is.
- MM** 1:08:27 Yeah and I think I have been very clear in what it is that I have stated. And I again re-emphasised I had no responsibility in that account in any shape or form.
- JD** 1:08:46 On the clock
- COMMISSIONER:** 1:08:49 3:15
- JD** 1:08:53 Mr McHugh you have had time to consult with your friend. I just want to be clear that because I am confused that LPS sent you the letter telling you about the grant and that account on the ratepayers account is the same account as the West Tyrone account it appears as you can see. Because that cheque has come from West Tyrone. It tells you that on the cheque.
- MM** 1:09:24 I have an association with the LPS account but I have no association with that bank account. I have no authorisation on that bank account, my name doesn't appear anywhere in that bank account or any of the affairs of that bank account. I do not receive any statements in relation to that bank account and I have absolutely no authority over that bank account.
- JD** 1:09:55 OK I accept that and am grateful for that clarification. In that respect then does your name still appear on the LPS Rates Account?
- MM** 1:10:05 Not now. At that point in time it did but not now
- COMMISSIONER:** 1:10:10 What does it say now if you don't mind/

- MM** 1:10:13 I couldn't honestly tell you from the top of my head but I know straight away anyway that whenever all this happened I said no what's my name doing on that account anyway. So in fact it's Sinn Fein's offices and my name is just the one that is taken off it in a sense. And it is still dealt with through that account there in terms of their payment of their rates and all the rest of it because it was nothing to do with me.
- COMMISSIONER:** 1:10:37 It might have been clearer had they just used the address of the office
- MM** 1:10:38 Exactly. Do you see at the outset. If that had been the case there would be no confusion.
- JD** 1:10:46 But can I take you back to paragraph 14 of your letter. "Dr Aiken's complaint is therefore without foundation as it is entirely predicated on the incorrect assumption that I personally received the grant and that I or myself had power to return it."
- MM** 1:11:06 Yes
- JD** 1:11:07 You can understand now us having understood the true position that he would have been entitled to make that assumption
- MM** 1:11:20 Well in all fairness, in all fairness if I was putting Dr Aiken through maybe what you are putting me through at the minute I would actually be saying to him why did you make that assumption, did you just go on the basis of what you heard Nolan say on TV whenever Nolan started to broadcast that Maoliosa McHugh received this into his own personal account. Well I think that is where he made his assumption because some of the other complainants are also people who are constantly on the Nolan Show making that same statement. So the fact that he didn't check out his facts I think it might have been a much more serious offence in many ways that when he went on to make all of those allegations without having established the facts. But sorry just one other point I would just like to add as well too. Whenever he made that allegation this was after it had been broadcasted on the Nolan Show on the Friday after on the Friday morning that to the questions that Nolan had forwarded to my solicitor that it was made clear that I had absolutely no association with any of the accounts that the monies had been paid into and that I hadn't in any way received any personal gain or advantage of that from this payment so all the more reason why and I don't

- know why it is that you ask me that I should be forgiving Steve Aiken for making a wrong assumption because he's the guy making the allegation against me
- JD** 1:12:52 No I am not asking you to make any, forgive anybody
- MM** 1:12:57 No but you said you can understand why it is that he made the wrong assumption. No not really. I would have thought that at his level and as Chair of that committee as well too he should have checked out his facts before he starts to make these allegations against me
- JD** 1:13:10 But until this afternoon and our engagement with you we have only just understood the correct chronology of facts
- MM** 1:13:18 Yes.
- JD** 1:13:22 So Dr Aiken would not have the benefit that we have just had this afternoon
- MM** 1:13:26 Well Dr Aiken I'm sure that in the time that Nolan was attempting to make news or attract an audience to his station he would have heard that response coming up from my solicitors at that time that I had no art nor part nor any involvement with the accounts that these monies had been paid into and yet and all he continues in his allegations to cite me and in fact if we went back through it. Secret of £10,000 wait to we see . Aye
- COMMISSIONER:** 1:14:04 So I could take you through that if you would like.
- MM** 1:14:03 I am just going down through it but again he implies that I was receiving this into a personal account somewhere along the lines. Totally untrue.
- COMMISSIONER:** 1:14:14 I mean just to bring you through Dr Aiken's complaint and just to get on record your response directly to this complaint. So Rule 1 and this just to be clear he cites one further rule than Mr Allister's complaint but they are very similar so we can cover off. Rule 1. You shall base your conduct on a consideration of the public interest avoid conflict between personal and public and resolve any conflict between the two at once and in the favour of the public interest. He said, given that Mr McHugh had a very personal interest in the shape of £10,000 from LPS in a bank account in his name he should have declared that on any occasion when small business grants were discussed when LPS

- MM 1:15:02 official appeared before the committee. He did not do that and is therefore in reach of this rule.
- MM 1:15:02 So just at that very first point – bank account in his name. Absolutely no bank account. Only bank account that is in my name is my own personal bank account that has nothing to do with Sinn Fein nor to do with the payment of rates or anything else like it and that there is no bank account in my name and never had been and that was made very clear on the radio station as well too. And that is the very point that I make to you that don't tell me that he wasn't listening to that programme at that point in time. I am sure he was well enough informed of that and yet and all he was still was challenging nearly that fact in some way by making this allegation into a bank account in my name and I think if you go one he probably repeats that as well does he not
- COMMISSIONER:** 1:15:46 Well he says that Rule 4 registering interest he says that it is his contention that £10,000 small business grant from LPS deposited in a bank account in Mr McHugh's name constitutes a registerable interest which should have been clearly declared in the Register of Member's Interests. He did not do so and is therefore in breach of this rule.
- MM 1:16:09 Again, the statement again which is totally and absolutely unfounded and you can imagine now that if I was sitting making that same statement you or you that you could feel really offended by that and that is exactly the kind of message that has been put out by Nolan and he continued on that same message and making his allegations against me here that has me here now today.
- COMMISSIONER:** 1:16:37 OK Rule 5. You shall declare whether an Assembly proceedings or any approach to a minister, public representative, public body or public official any relevant interest which might reasonably be thought to influence your approach to the matter under consideration. A relevant interest means an interest to which chapter 2 of the guide to the Rules applies and may include a registerable interest and it is my contention says Dr Aiken that the £10,000 small business grant received from LPS into a bank account in Mr McHugh's name could reasonably be held to be something which might be thought to influence your approach to the matter under consideration not least if further schemes emerge with new payments. No such interest

- was declared and so Mr McHugh is in breach of this rule.
- MM** 1:17:21 And again into a bank account in my name, you know totally wrong. Totally wrong.
- COMMISSIONER:** 1:17:30 If you had if in other words my question I have asked you this earlier if you had any inkling or something sparked your mind to check with him and this would have been, maybe uncovered long before October 28th, 26th. In that respect would you have declared it.
- MM** 1:17:55 Of course I would. And there is no reason why I shouldn't because at the end of the day it wasn't any interest for me. In any respect and that if I knew this was happening and I had to address it directly to Ian Snowden in at the meeting for him to resolve it, you know for him to go along and actually do something about it. Of course I would have said to him. I would have no difficulty with that but it wasn't even in my ..
- COMMISSIONER:** 1:18:20 You thought it was fixed.
- MM** 1:18:20 Completely
- JD** 1:18:22 Do you accept Mr McHugh that from a public perception aspect that the LPS sent you the letter on the rates because your name was on the rates, they had the account number, it's the same account number as it turns out now to be the West Tyrone Sinn Fein office account number that any ordinary member of the public would think that you were associated to that account because your name was on the rates bill.
- MM** 1:18:53 Yes I can totally appreciate that and in particularly the way that it was presented and whenever they even used that terminology that LPS has confirmed it was paid into an account in Mr McHugh's name you know how the general public can then assume you are talking there about a bank account and they are talking there about an account that I had and that this money goes into whereas the LPS account is different from the bank account in every respect.
- JD** 1:19:28 But you have already told us that you had an interest in the. The party is the West Tyrone Sinn Fein Office Account. Your name was on that account whether you like or whether you don't. The LPS had that, that's why they sent it to you.
- MM** 1:19:47 They talk about the LPS account

- JD** 1:19:47 So therefore the public perception is that you did have an interest in that account and because you have told us what you have told us this afternoon, confirms that you had an interest because you got your office manager to contact Barry at the Omagh office to put this situation right. Your error is that you failed to follow up on that and ensure that Barry had paid it back as you thought he was going to do.
- MM** 1:20:21 In your judgement you
- JD** 1:20:21 Well no it's not my judgement I am saying those are the facts.
- MM** 1:20:29 You are saying my error is that I failed to follow up on that. I thought I had followed up on that and I thought it had been addressed and I thought it had been dealt with
- JD** 1:20:36 So therefore it is your error.
- MM** 1:20:42 That was a mistake in the first instance yeah
- JD** 1:20:43 Thank you.
- COMMISSIONER:** 1:20:48 Can I just go back to Dr Aiken's complaint just to get the response I need from you in terms of each of these rules that he alleged. He alleged that you shall use or attempt to use your position as a member to improperly to confer an advantage of preferential treatment on either yourself or any person to avoid disadvantage or create advantage for someone else. The failure to declare says Dr Aiken the £10,000 small business grant from LPS deposited in a bank account in Mr McHugh's name potentially leaves Mr McHugh vulnerable to the charge that any comments in the Committee or Assembly about any grant scheme he was seeking to confer advantage or preferential treatment for either yourself or any other person. As such he is in breach of this rule.
- MM** 1:21:35 I have to reply to each of these haven't I?
- COMMISSIONER:** 1:21:37 Yeah. Just getting your view again on that.
- MM** 1:21:43 Which rule is that 4.
- COMMISSIONER:** 1:21:44 This is rule 14. 4.1.14
- MM** 1:21:49 And I didn't receive the £10,000 and the grant was not as is wrongly alleged paid into my account
- COMMISSIONER:** 1:21:54 Into your account OK
- MM** 1:21:54 That is exactly right. I had no interest to declare
1:22:00 I never sought to confer an advantage or

- preferential treatment and I have no difficulty in making that statement again to that it would be unfair to assume that as I haven't received anything into my account.
- COMMISSIONER:** 1:22:20 And in terms of Rule 19 taking care to ensure that your staff uphold the rules of conduct. Your staff being Ruairi because you are not in charge of.. Do you think there was anything you could done differently?
- MM** 1:22:33 No in fact I would commend Ruairi for being the very person who picked this up in the first instance and brought it to my attention and that he had reminded me in that 1:22:40 too and asked for the other person i.e. Barry McColgan, he's not my member of staff and again Ruairi McHugh I think he done his job. Again he was the person too that only came into this job in January but then like all these things a lot of people were dealing with for the first time ever. They never had to deal with stuff like this before.
- COMMISSIONER:** 1:23:12 Did you receive a payment confirmation from the LPS once you paid after 26th After that cheque was received who did they send the confirmation of payment to? At that stage was it still in your name? the LPS account?
- MM** 1:23:28 Whenever that was repaid it would still have been in my name at that time. The confirmation payment I don't know who would have received it.
- COMMISSIONER:** 1:23:37 But you don't remember receiving it
- MM** 1:23:38 I don't remember receiving it myself or ever seeing it. I don't remember offhand no. You have a lot going on in your head at times as MLAs with mail coming in and email and everything else but I don't remember no confirmation but it wouldn't have been after that that the rates account as opposed to the bank account. The bank account is probably still the same The rates account is not just the Strabane Constituency Office.
- COMMISSIONER:** 1:24:10 Understood
- JD** 1:24:13 So the rates are now the Bann Constituency office?
- MM** 1:24:15 Strabane Constituency office
- JD** 1:24:17 Strabane Constituency office so is your name associated to any bank account at the moment other than your own personal account.
- MM** 1:24:26 I have already said that. I have no accounts on behalf of Sinn Fein. I don't sign and I have never

- signed and any accounts on behalf Sinn Fein. Not as a councillor not as an MLA at any point in time and any transactions that are paid for by cash in relation to that office I pay for them myself with my own debit card, credit card or whatever and I submit the receipts to Stormont.
- JD** 1:25:05 On the 18th November there was another Finance Committee meeting which you attended and at that meeting the Land and Property Service also gave evidence. You may recall that you may not but you can certainly look at it in your own time. And at that point in time the chair notified the committee that he had raised a complaint with the Commissioner Office. You are aware of that?
- MM** 1:25:34 Yes
- JD** 1:25:37 And throughout that session I think it was the Ian from the LPS went through in great detail and explained how the system worked, who was entitled to it, who was excluded, including MLAs, MLA's offices. Vacant properties etc etc. Again at no time during that meeting that I can find did you declare any conflict of interest. Is that correct?
- MM** 1:26:10 I am sure if you have been through the minutes of the meeting that is correct, Aye. In fact I remember that particular meeting as well that were I think it might have been Jim Allister in particular that was if anything hounding Ian to nearly make a statement or judgment that could have been regarded as i.e. political and he avoided that. Now so that was after all of this had blown up and after the repayments had been made and all that so again..
- JD** 1:26:46 I accept all that
- MM** 1:26:48 Yeah again just as a ratepayer You know that is the only interest I had then as a ratepayer i.e. on my own house not even on our offices anymore.
- JD** 1:26:59 But the reason I raised it is that the question may well be asked knowing what you knew in October and this meeting was on the 18th November. On the same topic did you not feel any embarrassment in having to sit through that committee meeting knowing what you knew and saying I have to excuse myself from this committee meeting.
- MM** 1:27:24 No. And the reason I felt no embarrassment was because I know and I still know and I still I done nothing wrong. So I wasn't embarrassed about people discussing about LPS and the likes of it

- at that stage. It is a different issue altogether in terms of what was I ashamed of. What should I be embarrassed about.
- JD** 1:27:57 Well I am simply asking the question because the embarrassment would have been that you knew that the office had been in receipt of that money, that it hadn't been paid back, that your integrity was under the spotlight because your member of staff had contacted Ruairi and Ruairi had not serviced your needs correctly
- COMMISSIONER:** 1:28:18 Barry
- MM** 1:28:18 The other way around
- JD** 1:28:19 Sorry Barry. Those are the facts.
- MM** 1:28:27 I don't know what you want me to say? That is your interpretation of that and you are asking me was I embarrassed, did I blush. You know whenever LPS were there. I wasn't there feeling as if that I was embarrassed because of our dealing with that whole issue and let's face it that particular issue didn't just relate to the Sinn Fein offices it related to quite a number of other business units and that as well too and a greater part of the other ones had never and still haven't paid the monies back. So I wasn't sitting there feeling embarrassed and this answer to your question you asked me was I embarrassed. No. I wasn't embarrassed because I know that I haven't done anything wrong and I felt that I was entitled to be at that meeting as much as anyone else and I had nothing to be embarrassed about in that respect.
- JD** 1:29:19 OK well the reason I have asked the question is that if you go Mr Allister's complaint. In his complaint he concludes that by reason of your actions you have failed to conduct yourself in a manner which would tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and thereby you brought the Assembly into disrepute. What's your response to that.
- MM** 1:29:46 I don't believe that I did do but probably that's your judgement you know if you have to make a judgement on that complaint that he is making there. I don't agree with him. I don't agree with Jim Allister and what it is he is saying and I totally disagree with what is was that Jim Allister even said during this radio station whenever he was being interviewed about the whole issue as

- well as I did do with Steve Aiken. I don't agree with him on that judgement either.
- COMMISSIONER:** 1:30:12 So just to bring you back to the radio show. You say you, there was a statement on regarding this, the way your lawyer gave answers to the Nolan show was that read out on the Nolan Show.
- MM** 1:30:25 It was read out, yeah. It was read out. In fact I would go as far as to say whenever it was read out that Nolan avoided the issue the following Monday morning. All of a sudden it was nearly like a, it was like a torpedo to all of the allegations that he was actually making at the time implying that I had benefitted in some way, that I had received into my own personal account. How do you not know when you have £10,000 sitting in your personal account. That was his line at that time you know.
- JD** 1:30:59 Why did your solicitor speak on your behalf and you didn't personally speak. Can you enlighten us to that.
- MM** 1:31:07 I wouldn't communicate with the Nolan Show at a personal level. In the first instance knowing only too well that the way that he.. it's a contortion of the truth very very often and that is what it is one hears and when that type of allegation is being made I knew, I knew because it was actually affecting my own reputation that as well that I needed to deal with this totally within a legal context.
- JD** 1:31:38 OK no I am just trying to contextualise it and to be fair and understand why you didn't personally speak and defend your position.
- MM** 1:31:47 Well I was personally speaking through my solicitor. My solicitor was answering the questions you know through my solicitor I was sending that in but that was me that he was representing. It is not as if to say that I was there like a ventriloquist or something you know this was him speaking what it was that I had told him exactly.
- COMMISSIONER:** 1:32:06 And following from that you say that you noticed Nolan retracted from talking about the story too much. You feel it was an effective answer to these questions and these allegations. Is that correct?
- MM** 1:32:20 They were exactly and I am sure you can go back and even listen to that particular broadcast if needs be but I can remember some of the specific questions, when did you get the money, and when it did it go into your account and this

- type of stuff and it was all no, no, no down the line.
- COMMISSIONER:** 1:32:38 And do you find that after that I mean John referred to the November 18th meeting and beyond. How do you feel now today in terms of this whole issue. Is that, is it something that is still being investigated by Sinn Fein. They have obviously got, some staff have left not maybe by their own choice and so where is it now because I am conscious of the fact that this was back in October and we are now in March so what is the current situation
- MM** 1:33:08 There is no further investigation into my particular situation. In relation to the whole events and that in and around this at the time. What has actually happened probably in a different respect is that emphasis is there for each and every office no matter where it is 1:33:34 where they are dealing with finance it is the highest standards are expected all the time. And that message has gone out hard and strong. Everywhere and I know too that it has left me that I am much more alert to things that would come into my office one way or the other, insuring just that everything is passed to me in relation to things of that nature.
- COMMISSIONER:** 1:33:57 Are there any court cases against you or did anybody make this a legal thing.
- MM** 1:34:01 NO
- COMMISSIONER:** 1:34:01 OK. No it was mentioned I remember at a point because I had to stop my investigation initially because somebody was looking into criminal, looking to the police about this whole allegation and that so I just wanted to follow up on that
- MM** 1:34:17 No I am not aware of that at all
- COMMISSIONER:** 1:34:20 No and in effect I confirmed that there was nothing at the time but I just didn't know beyond that so that I could proceed with it. Do you have any further questions for us because I think as far as I am concerned I have asked as many questions as I wanted to at the moment. John may have some
- JD** 1:34:38 I just have one final question and you may or may not be able to answer this but had this situation, these events not been made public on 26th October when do you think if ever that money may have been paid back
- MM** 1:34:57 You asked me that question earlier
- COMMISSIONER:** 1:34:57 I asked it earlier

- JD** 1:35:00 Well then would you like to answer again
- MM** 1:35:02 Again. I made the same point I think that whenever you said that to me if it had been brought to my attention again that it still hadn't been paid back I would have again going a stage further again. So after that I don't speculate on there is no point in me. I wouldn't know
- JD** 1:35:23 My analysis is this. The media article set a chain of events in action where the money was paid back. The questions are that the money was paid back on 26th, 27th October. There is a cheque made out here on 15th October so there is 10, 11 days gap between the cheque was written and signed before it was deposited. Yeah
- MM** 1:35:55 I knew nothing about that cheque. I knew nothing about when it was signed. I know nothing about when it was paid as I pointed out earlier on that I became aware of this just the same as everyone else in terms of the general public and the events in terms of the issuing of that cheque and the likes of it I knew nothing about it. Now but going back to your original question again too was this ever going to come to light in a sense. I would have thought that whenever people would have been doing yearly accounts again too and even then submitting them within the party to whatever it is that the constituency organiser would submit the accounts to all of a sudden it would be seen. Aye listen look where's that. How come that's sitting there. I think that is very likely. I am only speculating you know in them situations
- JD** 1:36:51 And that's why I asked you the other question that I asked you is that between June and October when this money was paid back at all your discussions with your colleagues, Ruairi, Barry whoever else this topic of conversation never arose
- MM** 1:37:05 No and I am not on any committee that would have been dealing with the returns in terms of the financial accounting in relation to the West Tyrone Development Fund. I am not any committee 1:37:18 either you know so I wouldn't have seen that. I have never seen statements, not even to this day I've never seen statements of that account, they go to a different office.
- JD** 1:37:28 Thank you

- COMMISSIONER:** 1:37:29 Mr McHugh is you have no other questions for us. Do you have any questions for us?
- MM** 1:37:36 I don't think so.
- COMMISSIONER:** 1:37:43 I just wanted to remind you and the reason I am doing this is because I am doing it with anybody who comes before me that there is a Rule 17 which says that this is a confidential matter and not to be spoken of. It is an investigation so it is to be kept confidential. What's happened today in terms of this. Of course you will receive your thing but I ask that you keep this matter confidential in terms of this interview. It is Rule 17 basically of your code. Buts there is people who may not have in the past been keeping this, not this investigation but other investigations confidential so I am using this as an opportunity to remind you to maintain confidence within the structures of this process. Please
- SD** 1:38:20 Commissioner on that point and it is not the evidence relevant to this complaint or this hearing but it is obvious from Mr Devitt own questions today that Mr Aiken did reveal the fact and the content of this complaint at committee meeting and he has breached Rule 17 Section 33 of Due Process of Law Act. Now it is something 1:38:51 discuss and don't really want to get into a tit for tat complaints but it is something that we are going have to reflect on because there has been a very clear breach of Rule 17 by Mr Aiken.
- COMMISSIONER:** 1:39:01 And of course you are within your rights to make any complaint you wish as long as you know it has where you believe there has been a breach of the rules and the code of conduct so that is for you to decide. But I am just making it quite clear that I am starting to understand that we need to take Rule 17 quite strictly
- SD** 1:39:17 Proactive steps to make sure people are aware of it
- COMMISSIONER:** 1:39:22 Yeah maybe so. So I am understanding that better. I will be sending you once do get this recording transcribed, you will have sight of it and 14 days to suggest any changes, not substantive of course but if you wanted something substantive to be different you could arrange another interview but in the event 14 days if any small changes that you think are wrong or something and at that stage I hope we can get this concluded you know within a timely

fashion if you like. But I just want to thank you for coming today and for your cooperation. And if you have any questions in the interim of then and now please don't hesitate to get in touch with Elizabeth and we will take it from there anyway.

- MM** 1:40:19 Within two weeks we will receive this transcript
yeah
- COMMISSIONER:** 1:40:23 You will probably receive it sooner than two weeks
- MM** 1:40:25 Sorry
- COMMISSIONER:** 1:40:24 You will receive it sooner than two weeks but you have 14 days to get back to me with any changes
- MM** 1:40:31 And in respect of any judgement or decision
- COMMISSIONER:** 1:40:36 Well I hope to be able to make, you know it is a report now, this will be formal report so I have to make sure the transcripts are in within the 14 days and all of that and so hopefully I would say I hope within the month of April. I hope. I can't give you a definitive because we are working on a few other investigations at the moment so I have to be time wise I am never sure but that is my goal. OK
- MM** 1:41:05 Right. Go raibh maith agat
- SD** 1:41:06 Go raibh maith agat
- MM** 1:41:07 Go raibh maith agat. Thank you
- COMMISSIONER:** 1:41:09 Thank you so much.

Document 7: Ruairi McHugh Interview Transcript

Commissioner Interview with Ruairi McHugh

27 April 2021

Present: Commissioner
 John Devitt
 Ruairi McHugh

(TC: 00:00:00)

Commissioner: We're connected and recording. Okay. If anything should happen at any point, the time is now 14:03, if anything should happen where we get disconnected we'll wait for each other to reconnect.

(TC: 00:00:12)

Ruairi: No problem.

(TC: 00:00:14)

Commissioner: And also, I take all interviews of this nature under oath so I'm going to share a screen with you and ask if you could repeat. Yes, okay. Do you see that now, Rory?

(TC: 00:00:33)

Ruairi: Yes.

(TC: 00:00:34)

Commissioner: Okay. Could I just get you to speak that out loud please?

(TC: 00:00:38)

Ruairi: I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

(TC: 00:00:45)

Commissioner: Thank you very much. Okay. So, the reason why-, I mean, I'm sure I must have explained some of this but let me just explain the background. This is interview is that Maoliosa McHugh was in with us a few weeks back and we discussed this whole complaint that had been made against him relating to the Covid business grants scheme. And the, sort of, receiving £10,000 and the actual receipt of that being paid into an account. We went through all the details of that, the account number and all of that and we looked at that in great detail at Mr McHugh's interview. One of the things that was outstanding to me at the interview which I'd like to confirm with you amongst other things perhaps but mainly is this idea of Mr Barry McColgan who I understand it was alerted to him by yourself that you received the ten grand from LPS and that it went into this account, whatever account that was West Tyrone account. And that at that stage, he was made aware and Maoliosa

McHugh told him that it needed returned. Maoliosa actually mentions that that was between May and June. There was a number of times that he came to the office and a couple of those times it was mentioned to him to which I understand Mr McColgan said, 'Yes, I'm dealing with it,' or, 'I've dealt with it,' one or the other. Now, the problem we have is that I'm trying to find out, you know, was it in writing, or.

And so, I'm actually asking you today what you recall from the start when you received the letter. What actually happened from that point to the point where it's found that it had not been paid back?

(TC: 00:02:48)

John Devitt: It may also be helpful for us, for me, to understand, what is your role within the office? What is your relationship with Mr McHugh? And what is your relationship with anybody else associated to the other branches to do with the party? But, if you could just explain to it in your own words how you came to be involved and your role in this whole process?

(TC: 00:03:15)

Ruairi: Probably better that I outline that first, maybe, from your point, John, just to say how everyone was. I was the Temporary Constituency Office Manager for Mr McHugh. His normal office manager went off on maternity leave and the post was advertised and I applied for it. I think there was three or four people on for the job and I got the job. Maoliosa wasn't part of any interview parlour or anything like that. So, it was totally used to within the permit of that process. I am also a Sinn Féin councillor. So, I took on that role as Temporary Constituency Office Manager for Maoliosa based in Strabane office. Now, I would have lifted the mail most mornings when I came because that time because of Covid and stuff, the mail was, kind of, very intermittent. And in fact, it was one of the queries that I was dealing with that was people not getting mail, particularly out in the rural areas. I couldn't predictably tell you the exact day that that letter came in but I know it was dated on it the 13th of April that the payment was made, the backs payment.

(TC: 00:04:38)

Commissioner: Okay.

(TC: 00:04:39)

Ruairi: Now, I immediately looked at it and I thought, 'This was verification of a £10,000 payment.' And my initial thought was that, 'Well, that could (call cuts out 04.52) qualify for that payment for what it was designed for.' And I immediately got in contact with Maoliosa immediately. I can't recall that it was exactly that day but it was certainly around that time of when I received the letter. I actually sent a WhatsApp picture on my phone to Barry McColgan saying, you know, 'This is it.' It think I spoke to him on the phone, discussed-,

(TC: 00:05:28)

Commissioner: Rory, can I ask you is that the one I received this weekend? I had asked Maoliosa to send me and it's a WhatsApp. Would that have been the same one?

(TC: 00:05:38)

Ruairi: Yes. It was. He asked me, he put me over that again prior to obviously his interview with you and he asked if I still had that on my phone. And I didn't so I screen-shotted it and sent it to Maoliosa.

(TC: 00:05:53)

Commissioner: Okay, great.

(TC: 00:05:56)

Ruairi: I remember that day I sent it to Barry McColgan and then when I went home that evening, I actually done a bit of Googling on the account that it was paid into because I knew it wasn't the account that was used for the office in Strabane. And it came up with Greencastle in County Tyrone and I think I messaged Barry McColgan to say, 'That went to Greencastle in County Tyrone which, you know.' And then, I think Barry McColgan phoned me or maybe I phoned him. I think he phoned me and we discussed it then and he explained to me that it was something, some legacy account to do with whenever Pat Doherty had been MP. And it was between Omagh office and Strabane office but there was a different accounts and he said he was sorting it.

(TC: 00:06:57)

Commissioner: This is the funny thing. He just says, 'I'm sorting it.' Is that right? 'I'm sorting it out, I'm paying it back'?

(TC: 00:07:05)

Ruairi: He said he would be sorting it out because, I mean, in terms of my role, I didn't have any access to that account.

(TC: 00:07:13)

Commissioner: Yes, I understand that. Yes. But, it's funny because he said, 'I'm sorting it out.' He doesn't say, 'Oh, I'm going to return that money.' He never says that, does he?

(TC: 00:07:27)

Ruairi: I couldn't say exactly, exact words he said but I know that I was left with the impression that he was the Constituency Manager for the whole of West Tyrone. He had been for some time so I just thought, 'Well, he knows where the mix up is or what's happening and he's the man that will sort it out.' Because, I know if I had to have the authority or the knowledge to sort it out, I would have sorted it out.'

(TC: 00:07:55)

Commissioner: Yes.

(TC: 00:07:57)

John Devitt: And when you say that, Rory, if you had had the authority or knowledge, how would you have sorted it out?

(TC: 00:08:05)

Ruairi: Well, I probably would have rung either whatever body was responsible for it, the RIC or whatever to say, 'Listen, this has been paid to Maoliosa McHugh into the account that he deals with them. You know, should it have been? Or, why has it been?'

(TC: 00:08:26)

John: So, just explain to us what reassurance if any other than your first engagement and your phone call with Barry, what reassurance did you get that Barry was taking this seriously and dealing with it promptly?

(TC: 00:08:43)

Ruairi: Well, knowing the character of Barry McColgan, I would know him to be a straight enough guy so if he says to me, 'I'll get it sorted,' or whatever then, you know, the word was good enough for me. But, I do recall as well on a Friday, that's the day MLAs will all be back in their constituency so it was most likely a Friday because I know the party usually organise constituency meetings for the Strabane end of West Tyrone. Because there are two corner counties (ph 09.17), there's the Omagh corner county which is under the eastern part of West Tyrone to confuse it even more. Then the Strabane end is based in the western part of West Tyrone constituency. So, those constituency meetings were often organised on a Friday because you had your MLAs back in the constituency. And I remember Barry McColgan being in the office one Friday and Maoliosa and they were actually having a conversation in the office where I was based. And I remember it being discussed there, Maoliosa raised it. They were saying, 'What about that £10,000?' And I remember Barry, I don't remember exactly the words he said but him saying that (TC 00:10:00) he was sorting it and that would have been probably June time I would say.

(TC: 00:10:10)

John: Okay. And just for clarity for my peace of mind, Rory, what is your relationship to Maoliosa McHugh?

(TC: 00:10:19)

Ruairi: Well, he's my uncle.

(TC: 00:10:20)

John: He's your uncle. Okay.

(TC: 00:10:23)

Ruairi: Yes and obviously, in terms of the party role, he's a colleague as well. He was on the council before he was MLA so he was a colleague in that sense and still is my colleague.

(TC: 00:10:36)

John: And in relation to further down the track as it were when the media became aware of this situation, what involvement if any did you have?

(TC: 00:10:50)

Ruairi: I had no involvement at all.

(TC: 00:10:53)

John: So, you didn't take any phone calls from anybody?

(TC: 00:10:56)

Ruairi: No, not once from any media person.

(TC: 00:11:01)

John: Do you know whether Barry took a phone call or not?

(TC: 00:11:03)

Ruairi: I don't.

(TC: 00:11:09)

John: And in relation to your further engagement with your uncle, Mr McHugh, what further discussions or conversations did you have with him?

(TC: 00:11:22)

Ruairi: He would have consulted me a couple of times just around, you know, when exactly I knew about it and just confirming with me what I've told you basically that I had said to Barry McColgan about it and I had brought it to Maoliosa's attention as well. And then he obviously had asked me if I still had that WhatsApp on my phone, the one I sent to Barry McColgan. You know, the photograph of the letter.

(TC: 00:11:50)

John: Yes. Can you help us with this then, Rory? We know that the party itself did their own internal investigation. Were you part and parcel of that investigation?

(TC: 00:12:05)

Ruairi: No.

(TC: 00:12:06)

Commissioner: You see, that's the bit that I'm curious about. You know, the investigation was done and there were people lost their jobs including Mr McColgan. And yet, well I suppose, you had worked there in that capacity. Do you still work in that capacity in that office?

(TC: 00:12:26)

Ruairi: That role was over last year.

(TC: 00:12:29)

Commissioner: Okay. So, maybe that's why you weren't involved in any, sort of, nobody asked you about pay back or anything like that during that investigation? No?

(TC: 00:12:39)

Ruairi: No.

(TC: 00:12:41)

Commissioner: Okay.

(TC: 00:12:45)

John: Was anybody from the office involved in the internal investigation or interviewed or made any statements that you're aware of?

(TC: 00:12:53)

Ruairi: Not that I'm aware of.

(TC: 00:12:55)

Commissioner: And so, who would they have based their information on? McColgan?

(TC: 00:13:00)

Ruairi: Well, I don't know if there was any investigation. I mean, if there was an investigation, I wasn't part of it.

(TC: 00:13:08)

Commissioner: Okay. But, see Mr McColgan, when this all happened did you have any conversations with him regarding his, sort of, view on what was going on once it became in the media and once it came out in the media that he hadn't paid it back?

(TC: 00:13:29)

Ruairi: The only further contact I had with Barry McColgan was he phoned me to tell me he was resigning and that was it.

(TC: 00:13:40)

Commissioner: Did he say why he was resigning, or?

(TC: 00:13:43)

Ruairi: All he said was it's his fault that he should have done it.

(TC: 00:13:47)

Commissioner: So, he said it was his fault because he should have paid it back, is that correct?

(TC: 00:13:51)

Ruairi: He should have dealt with it. I can't say that those were the exact words but it was, you know, it was sentiment.

(TC: 00:13:57)

Commissioner: Yes, yes.

(TC: 00:13:59)

John: And, Rory, when you got that phone call from Barry, presumably, you were still in post at that time as the office manager?

(TC: 00:14:10)

Ruairi: Yes.

(TC: 00:14:11)

John: And did you or did you not notify your uncle, Mr McHugh, regarding that conversation?

(TC: 00:14:21)

Ruairi: I'm sure we probably discussed it but, I mean, I don't recall specifically coming off the phone to Barry McColgan and then ringing Maoliosa.

(TC: 00:14:30)

John: Now, and that's understandable because there's been a bit of time lapse in between, our role, our purpose is just to clarify and chronologise what we already know or what we think we know.

(TC: 00:14:43)

Ruairi: Yes. Going back to your question too about me still being on post. I'm not even sure if I was still on post because I left in early October 2019 or sorry, 2020. So, I'm trying to think in my head, was I still on?

(TC: 00:15:04)

Commissioner: No, you wouldn't have been because I have reviewed information regarding the radio show, the media coverage of this and it was 26th of October, 28th of October. You know, way late in October of 2020. So, my guess is that you would not have been in post if you left before the end of October.

(TC: 00:15:27)

Ruairi: Yes, well I must have been then. Because it's confusing too because of the Covid so you were working from home sometimes and then maybe you were in the office, you know, so.

(TC: 00:15:36)

Commissioner: Yes, I do. I know completely. Years are going by and you don't know they've gone by, I think. Do you know what I was going to ask you? You said something earlier and Maoliosa McHugh said the same, funny enough, that Barry McColgan, he was a stand up guy, if he said heh was going to do it he would do it. That made you think that he'd have dealt with it, if he said he was going to deal with it, he would have dealt with it. Is that correct? If you could tell me more about that, you know, the man who said to Maoliosa, 'I'm dealing with it.' And he said it to you as well. And you guys, you know, it wasn't as if you were second guessing he would do that.

(TC: 00:16:22)

Ruairi: No. But we weren't second guessing it, we would do it probably in the back of our minds we were thinking, 'Knowing Barry, he might have it on the back burner,' or something. But, I'm sure the reason he was asked about it again was because the potential ramifications of it if it wasn't sorted out. And then, you know, he said on more than one occasion that he was sorting it out so, I suppose, he just thought, 'No wonder, man (ph 16.51).' That he'll eventually sort it out, you know. It's just regrettable that he didn't sort it out when he should have.

(TC: 00:17:01)

John: And just again to be clear, am I right in thinking that Barry would not have had to have anybody else's authority to send that money back? He could have done that off his own accord and off his own authority?

(TC: 00:17:18)

Ruairi: Well, I would imagine so. He was the West Tyrone organiser, so.

(TC: 00:17:26)

John: And if what you've told us is it had come in, you knew you weren't entitled to it, so he would have known the same thing presumably?

(TC: 00:17:36)

Ruairi: Sorry, John, you're breaking up there.

(TC: 00:17:38)

John: Did I break up? Okay. Let me repeat the question. I'm trying to establish whether Barry would have had the authority to refund the money without getting authority from someone else and he would have known that you had asked him and he'd reassured you that he would sort it. Is that correct? Is that the chronology of events?

(TC: 00:18:05)

Ruairi: Well, he was the person who was in charge of that account. I don't know who had authority with that account so I don't know. I can't answer if he would have had to seek permission or ask somebody else to send that money back. I mean, I don't know the minutiae of the workings in West Tyrone but, you know, he was the West Tyrone Constituency organiser. So, to me, that's the Head Line Manager or whatever you want to call it of West Tyrone. So, I presume but I can't say for certain that he would have had the authority to pay that money back, without anybody else's yes..

(TC: 00:18:52)

John: Okay. Does that follow then that Barry would have been the only one with authority and that Mr McHugh had no authority?

(TC: 00:19:05)

Ruairi: To do with that account that that money was paid into?

(TC: 00:19:09)

John: Yes.

(TC: 00:19:10)

Ruairi: Well, as far as I'm aware, Maoliosa McHugh had absolutely no authority with that account as neither did I because seeing that letter was the first time I knew of that account, so.

(TC: 00:19:21)

John: Okay. No, that's cleared that issue up for us.

(TC: 00:19:28)

Commissioner: Can I ask on clarification question, how many times do you think or can you recall, you mentioned one you heard them talking about it in the office that Friday. That was in June perhaps and you mentioned the email, the WhatsApp you sent just showing him that it was paid into that Greencastle account. That first WhatsApp, I'm assuming am I right in saying that it was a follow up to having already informed him about that or no?

(TC: 00:19:56)

Ruairi: Yes it must have been because, you know, I still have it on my phone even because (TC 00:20:00) it's just me sending-, there's a whole series of messages through our constituency things and then me sending the photograph of the letter. So, it must have been earlier that day when I was in the office that I spoke to Barry McColgan and I would suspect it was me to phone him about it obviously because they had come to the office, so. And then when I got home, you know, it was bugging me and I wanted to find out so I Googled the-,

(TC: 00:20:30)

Commissioner: Sort code.

(TC: 00:20:32)

Ruairi: The sort code and all that, it came up Greencastle and I was like, 'What?' And then I messaged Barry saying that sort code is Greencastle and then rung me then.

(TC: 00:20:43)

Commissioner: Okay. And that's when he said to you he'll sort it?

(TC: 00:20:47)

Ruairi: Well, I can't remember the words but it must be it was to discuss that.

(TC: 00:20:53)

Commissioner: So, that was two discussions on that day plus a WhatsApp discussion.

(TC: 00:20:56)

Ruairi: Yes.

(TC: 00:20:57)

Commissioner: And then that's May-, sorry, that's April. Do you remember any conversations before that June time that were had in relation to this money? I'm just trying to track how many times that Barry McColgan actually was asked did he pay back the money.

(TC: 00:21:16)

Ruairi: I can't specifically say because in my mind, probably I could have spoken to Barry McColgan maybe two or three times a day on an issue or maybe two or three times a week and then maybe not spoken to him the next week. And I would safely say it probably came up in conversations like me saying to him, 'Hey, what about that ten grand? Or whatever. But, definitely, I couldn't say yes I did speak to him again on the phone about it. But, I definitely know I spoke to him that day that I sent the WhatsApp and I specifically recall making a reference to it that day in the office when Maoliosa was there. Those are the two definite times it was quite likely that it was mentioned.

(TC: 00:22:03)

Commissioner: Between times.

(TC: 00:22:05)

Ruairi: Between those two times but I just thought he was dealing with it and he was the West Tyrone Constituency Manager.

(TC: 00:22:15)

Commissioner: No problem. Okay.

(TC: 00:22:17)

John: So, Rory, just because you thought he was dealing with it, did you understand that Mr McHugh, Maoliosa was also understanding that Barry was dealing with it?

(TC: 00:22:29)

Ruairi: Yes. That was my understanding of it.

(TC: 00:22:33)

John: And did Maoliosa discuss it with you other than the dates and times that you've shared with is so far?

(TC: 00:22:40)

Ruairi: Not, again, not that I can recall specifically. It's very possible that it could have been mentioned but after that meeting in June in the office, I don't have any recollection of it being discussed again.

(TC: 00:22:57)

John: So, would my analysis be correct that you had alerted Maoliosa McHugh about it, you told him that you'd spoken to Barry on a couple of occasions (call cuts out 23:11) Maoliosa to give him some reassurance that it was being dealt with. Is that a fair analysis?

(TC: 00:23:22)

Ruairi: Yes. You broke up again there, John, a wee bit but I got most of what you said and if I'm reading you right, that will be my interpretation of events certainly.

(TC: 00:23:33)

John: Yes. I mean, to be honest with you, Rory, all we're trying to establish is the efforts that Maoliosa McHugh went to to ensure that the correct thing was done and the money was paid back at the earlier opportunity.

(TC: 00:23:50)

Ruairi: Yes.

(TC: 00:23:52)

Commissioner: In other words, it seems as if from what you're saying, that you didn't just send him the thing on the April 13th or 14th of whatever day that you were alerted and then leave it. It was brought up again at least once from what you can recall.

(TC: 00:24:07)

Ruairi: Yes.

(TC: 00:24:08)

Commissioner: You know, that is important to this case because clearly, as you said earlier, there was an acknowledgement on Maoliosa's and yourself's part that this was a big thing that had to be dealt with, it wasn't something small. But, it wasn't anything you also had control over giving back. So, what I'm saying is, it was not just the one, 'There you go, up to you and over to you,' and you all forgot about it. It was mentioned again at least once from your memory in June.

(TC: 00:24:39)

Ruairi: Yes. That day that Barry was in the office and Maoliosa was in the office, it was mentioned there definitely because they were standing in front of my desk.

(TC: 00:24:50)

Commissioner: Okay, yes. Okay. I mean, you can appreciate this is difficult only because it's a memory thing, it's a while ago and also there's not a lot of writing about it. It's not something you were memoing to each other, it was when you were in the office it was mentioned. You know, I'm not making a judgement on that, I'm simply saying this is why I have to understand further what people can remember.

(TC: 00:25:13)

Ruairi: Yes. Just probably the fact too that I was in that role temporary, maybe if I had been in that role on a permanent basis maybe I could have made in hindsight, you know, hindsight is a good thing but maybe I might have pressed the issue a bit more. But, I'd only just been in the job since January and Barry McColgan was above me, like, so if he said he was sorting it, you know.

(TC: 00:25:44)

Commissioner: I do, I get that. Yes. John, do you have any further questions?

(TC: 00:25:49)

John: No, I don't, Rory. I think you've been very helpful and you've filled in some missing gaps for us. So, we're very grateful to you for that.

(TC: 00:25:56)

Commissioner: Yes. I thank you so much for actually, you know, coming on and helping us out with this. And also, do you have any questions for us I should ask?

(TC: 00:26:05)

Ruairi: No. When does the report for this come out or do you know that?

(TC: 00:26:12)

Commissioner: I mean, this bit of evidence was something I really am trying to nail down a bit and then it should be after that.

(TC: 00:26:24)

Ruairi: That's all from me.

(TC: 00:26:24)

Commissioner: Yes, okay. Listen, thank you so much again and have a good evening anyway.

(TC: 00:26:29)

Ruairi: Same to yourselves, thank you.

(TC: 00:26:31)

Commissioner: Nice to meet you, take care.

(TC: 00:26:32)

John: Thanks, Rory. Thank you.

(TC: 00:26:34)

Commissioner: Bye bye.

Document 8: DFM Michelle O'Neill MLA Interview Transcript

Commissioner interview with DFM Michelle O'Neill MLA
4 May 2021

[00:00:00] Dr. Melissa McCullough: Okay, that's it recording.

[00:00:05] DFM Michelle O'Neill MLA: You just wanted to speak about Maolíosa's situation?

[00:00:08] Melissa: Yes. I'll follow this just to have it on record so that when it goes into the report, it's on the record. That this is being tape-recorded. I'm Dr. Melissa McCullough, Standards Commissioner for the Assembly, and John Devitt is here as the second interviewer. Interviewing in room 222, Parliament Buildings. The day is the 4th of May and the time is 11:04. How would you like us to address you today?

[00:00:30] Michelle: Michelle is fine.

[00:00:31] Melissa: Michelle is fine?

[00:00:31] Michelle: Yes.

[00:00:31] Melissa: Okay, great. I'm going to just ask you to read this. Everyone takes the oath. It's either the oath with the Bible or the Witness Acclamation. They're the same in outcome. Which would you prefer?

[00:00:40] Michelle: [unintelligible 00:00:40]

[00:00:41] Melissa: If you just take the affirmation then, speak it out loud. The bottom one.

[00:00:46] Michelle: The bottom one, yes? I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

[00:00:53] Melissa: Thank you very much. Just for the purpose of clarity, the matters that I'm investigating relate to the two complaints against Mr. McHugh, and they basically are about the return of the COVID grant money.

[00:01:03] Michelle: Yes.

[00:01:05] Melissa: Now, I've already confirmed a lot of the evidence with Mr. McHugh and we had a long interview with him. I have lots of evidence just about the whole check and the accounts. I'm not worried about that at the moment, but what I have is that he did actually say that he's certain that he said to Mr. McColgan, at least three times. Now, I'm looking at the reasonableness of how many times should he have asked to make sure that it is paid back. He had no control over the account, we've ascertained that, and he had no control over paying it back, because he had no control over the account.

However, I can't get confirmation of the three times at least, that he might have said to Mr. McColgan and then repeated back to him he had-- What was this words [unintelligible 00:01:52] used? "I'm dealing with it." That's what Mr. McColgan would say to them, "I'm dealing with it." He never said to them, "I paid it back." That is his way of saying he was working on it, was that he was dealing with it.

I really would want to get some corroborating evidence. Now, Mr. McHugh and of course, it was in the media that there was an investigation [unintelligible 00:02:10] Mr. McHugh then after his interview, sent me a little statement from Mary Lou McDonald saying that they've investigated or whatever.

[00:02:19] **Michelle:** Yes.

[00:02:20] **Melissa:** I'm just more interested in the granular detail of whether or not you know if Mr. McColgan, firstly, if he actually was reminded a number of times, and if that investigation highlighted that or not, because I just want some corroboration of that.

[00:02:35] **Michelle:** Yes. I think investigation is probably the wrong word.

[00:02:37] **Melissa:** Okay.

[00:02:39] **Michelle:** First, just to put it in context, we learned about it in the media at the start of the week. I think that was a Monday morning. Something on [unintelligible 00:02:44], whatever program was doing it. Immediately, they had sent party officials off to see has this happened in any of our offices. That's where the cases came back, the three that were then established, which accepted resignations in every case because due diligence wasn't fulfilled basically from all the parts.

In Maoliosa's case, and I had spoken to Barry McColgan myself actually at different times, and Barry had said that Maolíosa had said to him repeatedly to get it sorted. He said he had problems getting through the phone. He had all sorts of communications issues, and that was why it just happened at that point. That's as far as details concerned, that's the only thing that I would have, that he has actually directly said that to me that he was asked on a number of occasions by Maolíosa to pay the money back and make sure it was sorted.

[00:03:33] **Melissa:** From his mouth to you, he has said that he was asked by Mr. McHugh.

[00:03:38] **Michelle:** Yes.

[00:03:39] **Melissa:** Really, that's what I'm looking for here. It's some further information because there's no writing of this because it all happened while they were in the constituency office, when he would visit occasionally during that time.

[00:03:48] **Michelle:** Yes. Probably like, "Is that sorted?" That type of questions.

[00:03:50] **Melissa:** Yes, that's it. There really is nothing in writing. Not that I expect it to be in writing, I just want to make sure that there is no stone left unturned because these investigations have to be that way

[00:04:02] **Michelle:** No, I understand that, of course.

[00:04:05] **Melissa:** He did say it under oath, so I trust that he's not telling an untruth, but just to make sure. At one point I was actually thinking, will I go ahead and contact Mr. McColgan, I'm not sure how that's [unintelligible]
[00:04:18]

-

[00:04:19] **Michelle:** He's out of the country but I'm not sure where he is.
[unintelligible 00:04:20] [REDACTED]

[00:04:22] **Melissa:** Do you know, I think--

[00:04:23] **Michelle:** He's teaching English somewhere, so I think--

[00:04:25] **Melissa:** Okay, so he's out of the country, yes.

[00:04:28] **Michelle:** You could contact him, if you wish. I'm quite sure he would be-

[00:04:30] **Melissa:** Would he be happy to answer [crosstalk]

[00:04:32] **Michelle:** To confirm? Yes.

[00:04:33] **Melissa:** Yes, just to confirm something.

[00:04:34] **Michelle:** I don't see why he wouldn't.

[00:04:35] **Melissa:** Yes, because that was my main thing to ask, really. Was that something that-- In terms of, Mr. McHugh was not one of the people that was like [unintelligible 00:04:44] for example. Like McHugh, McColgan, and there are a couple of others. I'm making an assumption that it's because he really didn't have anything to do with that.

[00:04:54] **Michelle:** Yes, because Barry had put signs up and said it was his. Maolíosa obviously, ultimately, some of that falls back on him, but he did say that he did instruct Barry to do it on more than one occasion. As far as he's concerned, his office had it all sorted.

[00:05:09] **Melissa:** Yes, I know. That's where I thought it was at. Exactly, but again just for thoroughness--

[00:05:17] **Michelle:** I have no doubt that if you needed to phone Barry or-- I think he's in Thailand. I will have to double-check but wherever he's at, I'm quite sure he'd be a pretty decent guy. I think he would.

[00:05:26] **Melissa:** Yes, I'm wondering how-- Would you have contact details in any way?

[00:05:29] **Michelle:** Yes, I'll see what I can find [inaudible 00:05:31]

[00:05:31] **Melissa:** Really? That'd be great. That would be great. If I could just get in touch with him just to close it all, because I actually can get my report done then, in relation to this which would be nice. I think they were the main things that I-- I don't know if you have anything, John?

[00:05:46] **John:** No, I just want to clarify if I may. In relation to the internal due diligence, as you call it, that was done, is there a written report anywhere?

[00:05:56] **Michelle:** No, because really as soon as it was emerged in the media, we immediately head office and said get in touch with everybody in each area and ask them to clarify the situation in their area and report back. The three

things that came back were the three areas that we accepted resignations from. That was all done within 36 hours. It was completely turned around and we discussed it as a leadership and accepted their resignations.

[00:06:18] **John:** At any time was Mr. McHugh interviewed or officially spoken to?

[00:06:23] **Michelle:** Not in an official way but obviously just the same way head office would have been in touch to say, "Check your accounts. Check and has any of this money been paid in, and make sure it's returned if it has been paid in." Everybody paid it back within, I think within 36 hours. I'm not totally clear of the details but I imagine it was all done by either Tuesday or Wednesday. Everything was paid back and then the resignations were accepted.

[00:06:47] **John:** That was my next question. Did Barry resign as a result of this or was he dismissed?

[00:06:53] **Michelle:** Resigned. We accepted his resignation because of a failure to carry out due diligence because this is public confidence. This is public money and all those reasons, so there was no reason not to accept his resignation to do the right thing by the public mind.

[00:07:09] **John:** If I've understood you correctly, he's taken full accountability for not doing what Mr. McHugh asked him to do?

[00:07:16] **Michelle:** Which is why he's resigning, John.

[00:07:18] **John:** Thank you.

[00:07:22] **Melissa:** Do you have any questions [unintelligible 00:07:23]?

[00:07:23] **Michelle:** No, but I'll see if I can get you a contact. Would you want to speak to him on the phone or Zoom?

[00:07:27] **Melissa:** I can speak to him on the phone, yes, or Zoom. I mean whichever he prefers. Actually, whichever he prefers. I could record it on Zoom which would be helpful for the transcript, but it's literally just to get confirmation. It sounds, I know it's Maolíosa that is important. It's a [crosstalk] investigation.

[00:07:41] **Michelle:** No, I understand that. You have a job to do, of course.

[00:07:44] **Melissa:** Yes, that would be great. I'm going to end the interview. It's 12 minutes past 11. Thank you so much for coming.

[00:07:51] **[END OF AUDIO]**

Document 9: Nolan Show Transcripts

Programme	Nolan Show
Date & Time	28.10.20 0905
Subject	Business grants paid into SF accounts
Prepared By	Typist: Donna Morris MMU: GI/PF

STEPHEN NOLAN

A political bombshell this morning, a senior Stormont source has told our Nolan investigation unit that SF have been battling for days to stop the Nolan programme, and therefore you the public, finding out details around three bundles of £10,000 small business grants that were received by the party. This cash was supposed to only support Covid affected small businesses. MLAs and party offices were deemed ineligible to benefit from this grant. Politicians of course were not affected by Covid in this way, MLA salaries continued no matter what so they were definitely not in any way deserving of this money.

To all of the hardworking people in this country who lost their jobs and had no money, to the workers who have had their pay slashed, to the taxi drivers who got no support from Stormont for many, many months; the Nolan Show wants you to know the details around this story.

We can reveal today the following, SF MLA Maoliosa McHugh received £10,000 into what he described as 'our West Tyrone account'. This huge sum of £10,000 would have been automatically sent into his office bank account without him asking for it. There was no wrongdoing by him in receiving the money; that is not the story. The key question, the fundamental question is what happened to that money when Mr McHugh and SF realised they had it? Remember, integrity is what SF expect of others.

Despite Maoliosa McHugh receiving this public money many months ago a Stormont source has told this programme there was a scramble this week, on Monday of this week within SF to quickly pay the money back and that that only happened after the party found out the Nolan Show was asking questions about it. Now we asked SF MLA Maoliosa McHugh to clear this up for us; we gave him multiple opportunities to dispute what our source had claimed and we gave him multiple opportunities to assure the public of NI that the money had been paid back a long time before this week. He gave no such assurance.

So was the money paid back months ago? His exact words to us.

MAOLIOSA MCHUGH

No I am not saying that.

STEPHEN NOLAN

Mr McHugh told us he was notified when the £10,000 came into his office account; he claimed as soon as it did that he told SF organisers to send it back, but despite this the SF MLA, Maoliosa McHugh, despite him telling us he got notifications when the £10,000 was paid into his bank account, he seems to be totally in the dark about when the public got their money back out of his bank account, out of his office account again. Now why could he not simply check his office bank statement and tell us? He doesn't know when £10,000 left his account to get back to the public again? It's a pretty big amount of money isn't it? Would you notice it if it came back out of your account? I guess a clear question to Mr McHugh this morning, will you check the bank statements now and tell the public, clear this up for us.

Now seriously, Mr McHugh did admit he got confirmation on Monday of this week that the huge sum of money, £10,000, had been paid back, guess what? That is the very same day the Nolan Show was telling the public about the £10,000 windfalls that some people had wrongly received.

Clear out the noise from this story, remember the vital question; was your public money only paid back by SF after the BBC Nolan Show publicly said we were investigating this matter? Mr McHugh has told us he doesn't know what the public got its money back. We asked him many times, doesn't know. Knew when it came in, hasn't a clue when the £10,000 went out again.

MAOLIOSA MCHUGH

I couldn't just say exactly when it was.

STEPHEN NOLAN

We have voiced this up by one of our team. But it was paid back months ago we asked?

MAOLIOSA MCHUGH

It was paid back.

STEPHEN NOLAN

We asked again.

MAOLIOSA MCHUGH

I couldn't tell you but I know it was paid back.

STEPHEN NOLAN

Mr McHugh told us they had great difficulty contacting LPS at the time to pay the money back. The Nolan Show has discovered that as early as May there was a simple email address widely published so that ineligible recipients could contact the authorities to arrange to send the money back. Now it is not only Mr McHugh within SF who isn't able to tell any of you this morning the timing of when you the public got your money back. SF's central command have been silent too, totally silent. And remember, taxi drivers, hairdressers and many people on minimum wage in this country have had to suffer dramatic losses to incomes since Covid began. SF knew there was a shortage of public money available for these people and yet SF cannot tell us how long it sat on three bundles of £10,000. £30,000 of public money.

Now we have done everything we can to give SF the opportunity to assure the public that they did not just pay it back after the Nolan Show got involved. There are questions about a second SF representative and we will return to that in a second. But another important twist in this story this morning is about Stormont itself and the culture of secrecy that was identified within the RHI inquiry. Remember Sir Patrick Coughlin, who chaired that inquiry, uncovered practices where minutes were deliberately not taken of meetings so that you the public would never find out what was going on. We are not suggesting any minutes weren't taken but we are asking, has Stormont learnt their lesson? Are they now open and honest with the public? But we can add to this story today, we can reveal to all of you there was a war behind the scenes at Stormont this week where we are told Diane Dodds the Economy Minister wanted the public to be told, three Covid small business support payments had been made to MLAs or their party offices. But that is when the battle began and we have been told that the DoF refused to let the statement with meaningful detailed answers be released to you the public.

Who stopped that statement? Why was it stopped? What didn't they want any of you to find out from within that statement? Do these people never learn? Did they really expect the Nolan Show to roll over and allow them to duck the questions we had asked around whether and when MLAs had paid back £10,000, sums of your cash that they should never have been sent in the first place?

Remember some working class people had been left with next to nothing during this pandemic, and we were determined that you were entitled to know what politicians had been getting and whether and when they had paid it back.

We have been working on this story for a number of days and we have more to place in the public domain this morning. A second SF representative Elisha McCallion has been approached by the Nolan investigations team, she has not responded to us. When we told her a senior Stormont source told us she too was in receipt of the £10,000 small business support payment. Now remember if she did get the cash put straight into her bank account she would have received that money automatically without fault on her part; it could have been paid to her automatically just because she paid her rates by direct debit, no wrong doing by Elisha McCallion whatsoever, that is not our story.

Firstly, why doesn't Elisha McCallion just tell any of you whether she got this money or not? Why the silence from her and SF? Now if she did get the money many months ago it is the same key question, when did she pay it back? Did she pay it back immediately or did she only pay it back this week?

Did she only pay it back when the Nolan Show was running the story this week? Did she only pay it back yesterday? Silence from Elisha McCallion, silence from SF. There are many working class people in this country here in NI who are struggling during Covid and have received very little support from the government. The £10,000 grant at the heart of this story was never intended for politicians, because not one penny of their wages or their allowances has ever been affected by Covid. So only behalf of all of the working people in this country, the Nolan Show has a simple question for SF today; did you give the public its money back within a reasonable time of realising you had got it, or did you only give it back when you realised the Nolan Show knew you had it, lodged in your accounts, sitting there all along? The answer to that question may just help the public determine how much equality, respect and integrity you, SF, has given to the working taxpayers of this country.

Already this morning members of the public are reacting to this breaking political story today. How do you respond to this Carl?

CARL

This is absolutely sickening, sickening. I would question the wrong doing of those politicians because when the scheme was introduced I had to apply for it, even though my rates was being paid by Direct Debit I had to apply to it, put in my ratepayer ID, my occupancy ID and various details. So I would question as regards did they actually apply for that?

STEPHEN NOLAN

No they did not. I am sure. I think it is really important that we all focus on the story this morning and where it is at. And a statement has just within the last few seconds dropped from SF to the Nolan Show and it continues, SF are refusing to tell any member of the Northern Irish public if they only paid this money back when they realised the Nolan Show was investigating it and that is the key part to this story. They received this money many months ago, they knew they shouldn't have had it, did they only pay it back this week on Monday and yesterday? Here is the SF statement.

Three SF offices received automatic and unsolicited payments of £10,000 under the Small Business Grant Scheme, SF offices did not qualify and did not apply for the scheme and the monies have been returned to the LPS.

Every citizen in this country should recognise that what SF is refusing to tell you is when they paid it back, did they only pay it back this week? Now the DoF will know the answer to that, or should be able to find out. The Economy Minister, Diane Dodds can ask a question about that and might be able to find out, because it is a key question.

CARL

It is sickening and these are members who created the eligibility scheme, sorry not those three but certainly as members of a legislative Assembly.

STEPHEN NOLAN

Elisha McCallion is not but she is a representative of SF.

CARL

But they are all aware of the eligibility to receive that £10,000 scheme and I think it is absolutely sickening that people out there who are struggling on a day to day basis, hearing this this morning, I think they will be absolutely disgusted. And from a business point of view to hear this, with other businesses still struggling today, knowing this, and struggling back then as well knowing this has happened I think it is just a slap in the face. And they should go. I think it is time for them to go, this is disgusting, it is time for them to go.

STEPHEN NOLAN

Statement from the Department for Economy, their Minister Diane Dodds. Diane Dodds' department is saying, 'two payments were made in error under this category, one to a current elected representative', we understand that is Maoliosa McHugh, I am putting that in, the statement continues, 'and one to a former elected representative', that is who we are saying is Elisha McCallion. 'In addition a payment was made to the office of a political party, all three grants

have now been repaid, none of the payments were to a person of the same party as the Minister'. So in other words they are saying nobody from within the DUP got it. But again the Department for Economy are not saying when this money was paid back, that is the story. The story is not SF paid the money back, the story is did they only pay it back when they realised that this programme was about to tell the public, ask that question?

CARL

In my view I think it is very evident that, in my view, I am not saying that is the case, but in my view it seems like that is the case. Only once your show exposed the errors in that over £0.5m then it came to light that £30,000 of that was paid in error again to people who shouldn't have got it. And I think with your show and the fact that they have refused to inform the taxpaying public of which it's money was used to pay these people, they refuse to tell when that money was paid back. In my view it is very evident they have scrambled around only after your show exposed the errors in the first place.

STEPHEN NOLAN

Remember one of the other parts of this story that there was and is a huge row going on within the walls of Stormont, there was a statement that was drafted for the Nolan Show, there was a statement that was about to be released, this is what a source has told us and then it was not signed off.

Pat, you are a taxi driver you have been fighting to get other taxi drivers funding, you have been saying the taxi drivers have been without any support for many weeks and months now and now you learn that £10,000 of cash sat in SF's bank accounts and they won't say whether they have only paid it back after we started asking questions.

PAT

Absolutely disgusted. You know, we had a meeting yesterday, as you know, with Nichola Mallon, one of the first questions that I asked whenever she said she was putting in place a scheme for taxi drivers, now just taxi drivers, not the owners of depots, just the taxi driver and I asked the question would we be getting what the wind turbines got, £10,000 and she said not a chance. Now she did make a statement to us that said, I could have sorted this out a lot earlier if the other political parties hadn't been playing political football with you, the Economy wouldn't take ownership of us. Now the Economy wouldn't take ownership of the taxi industry to try and help people out in times of a crisis but yet with all they sent £10,000 out to unsolicited people, now straight into their bank accounts. Now if I was sitting and I got £10,000 into my bank account I would think all my Christmases had come at once.

STEPHEN NOLAN

The DfE within its statement has said that they are content that it took the necessary swift action to support tens of thousands of businesses facing serious difficulties or failure caused by Covid. The measures taken by the Minister were approved by the Executive, the department has paid out more than £338m to more than 32,000 businesses across the £10,000 Small Business Support Grant, the 25,000 Retail, Hospitality, Tourism and Leisure Grant and the NI Micro-Business Hardship Fund. And they are pointing out the scale of the challenge presented to them by the pandemic, the unprecedented speed and scale of the Executive's response to it that this was acknowledged by the Comptroller and Auditor General Kieran Donnelly in his NI Audit Office report on 2 September; they are saying that look they did these things at speed to try to get money to companies as quickly as possible, but our story focuses on a political party which has very loudly over the last couple of years demanded respect and integrity from other political parties in NI. In fact SF said they wouldn't go back into government with the DUP until they were content that the DUP had integrity, so the key question did SF only pay this money back when they realised the Nolan Show was asking? Why won't they tell us?

PAT

Who is running the country? The Acting Permanent Secretary of Economy NI stated in front of the Economy Committee that there was fraud and there was errors totalling £13.5m. So as I said to you the other day, this is like a cut in your hand, you are scrapping the top of it and it is getting deeper and deeper and deeper. There is more than £20,000. There is more money paid out to people who don't deserve it, they weren't entitled to it and they are probably now hiding under the bed thinking Nolan is coming after me, quick get that money paid back, but £13.5m not £20,000.

STEPHEN NOLAN

SF received £30,000.

PAT

£30,000 but £13.5m Mike Brennan stated, the Acting Permanent Secretary, who is running the DfE, is it Diane Dodds or are the civil servants? If there was a statement ready to go out to the Nolan Show yesterday and it has been vetoed, Diane Dodds didn't veto it because she has already made a statement to you so these civil servants are doing what they want....

STEPHEN NOLAN

No the civil servants will act under instruction, the question is who stopped the statement going out and why? Let me speak to Daniel McCrossan SDLP MLA.

DANIEL MCCROSSAN

This scheme was designed to support businesses that are in a very difficult situation and have been for a long time. This intervention came about in April, it is now October seven months later why are we only hearing that this money has been paid back if it was received incorrectly by elected representatives. Also I think this will send out a very worrying message to the public that it is one rule for SF and an entirely other rule for everyone else. This scheme was designed at Stormont, the first line in the application process or the criteria stated that elected MLAs and MLAs' offices could not receive this grant aid, very, very clearly and if SF MLAs were assisting the public in those applications which I in my office have been they would have known that very clearly from the outset...

STEPHEN NOLAN

And they didn't ask for the money, the money was sent to them automatically, the DfE is saying it was sent to them in error, the key question is when did they pay it back?

DANIEL MCCROSSAN

Yes and that is a very appropriate question given the pressure that our society, our businesses are under at this point in time, that is the question they need to answer, seven months have passed and there has been no attempt to pay it back until attention was drawn by your show this week. I think a lot of the public, particularly throughout....

STEPHEN NOLAN

We don't know that because they won't tell us.

DANIEL MCCROSSAN

I think a lot of the public, the businesses in my constituency that are struggling and finding it very difficult whose businesses are closed even as we speak today will find this a shocking revelation and certainly if I had have received it it would have been repaid back straight away because our council are controlled by the constituency. So I can't understand how a party has received such a lump sum sat for seven months and hasn't been paid back it doesn't make any sense.

STEPHEN NOLAN

Well it has now been paid back, SF are telling us, but it is what's not in their statement we specifically asked them when was it paid back? It is not in their statement, senior Stormont source telling us SF scrambled to pay it back after they heard the Nolan Show telling the public they would be asking if it had been paid back. Now to Mr McHugh this morning, you are a SF MLA, you have said, you have told us that you got notification when you received the £10,000 of our taxpayers' money are you telling me it is impossible for you, as the person who received this money for you to find out when our taxpayers' money was paid back to us? So Maoliosa McHugh you have a question to answer to the public this morning. Elisha McCallion did you get the money or not? If you did when did you hand it back? To Diane Dodds the Minister can you shine any light on this Minister? To the civil service in NI, to Stormont, we saw the criticism that you came under from Sir Patrick Coughlin in his report, you promised to reform, what do you know? Tell the public.

DANIEL MCCROSSAN

There is a number of other questions that need to be raised here, Elisha McCallion is no longer elected to the Assembly or Westminster, so where is Elisha McCallion's office in the Foyle constituency or wherever, where is it generally? Because no one seems to know and I certainly wasn't aware that Elisha had a public office, so there needs to be questions in relation to that as well. This is really worrying, SF received a donation of £4m last year, this is a party that is extremely wealthy, the wealthiest political party on the island of Ireland. All we are hearing continually is about money and financial scandal and everything else. What about the ordinary working man and woman out there that are truly struggling in the middle of the worst challenge that our society has faced in living memory? That is the questions that need to be raised. Elected representatives should be, particularly those elected representatives, one of them sits on the PAC and the Finance Committee, they should know to have returned this a lot sooner, and I have no doubt that when the hair was raised on this that is when this money was attempted to be returned. But that is not the point, the point is that our society is on its knees, people are struggling very, very, very badly, I know, they know, because people are coming to us on a daily basis pleading that their livelihoods are being destroyed, that their businesses are closed, that they don't know whether they are going to make a decision as to how they keep their families safe or put food on their tables. That is the decisions that our society are faced with and yet we have a number of elected representatives receiving grant aid from government of £10,000. There is certainly questions about the system and who has received this money generally right across the entirety of the North because there is a significant amount of wastage and there is businesses that have received it and that is very clear from the figures on your show today. But elected representatives certainly

this is absolutely unjustifiable and will cause a huge amount of concern in the public domain and it doesn't matter if it was £10,000 or £2,000 if it shouldn't have been received it shouldn't have been received and should have been paid back and that is the key point.

MARTIN

I just would like to say this situation is just indicative of what seems to happen with elected representatives and even unelected public representatives. The electorate rely upon it to get them into their well paid jobs, to do a job for us, they work for us but they seem to very quickly forget that they are answerable to us and it is not unreasonable that the public should require to know the answer to a question such as this and it shows the utter lack of integrity and disrespect and disdain for the public whom they depend upon when they don't bother to answer or refuse to answer, and as for civil servants, they also seem to forget quite a lot that they work for the public for all the public and they should answer this question. This is public money and has quite rightly been pointed out there are lots of people at the moment in this situation genuinely badly struggling...

STEPHEN NOLAN

For those of you who haven't been listening to the Nolan Show over recent days, you know, my whole antennae started shaking when, we had asked them to answer the question, what is the total amount of money that was paid back? They didn't answer it. Did any MLA or MP receive money? They didn't answer it. Did any MLA or MP that might have received money pay it back? They didn't answer it. Did they seriously think that we were just going to shrug our shoulders and go ach that is alright then, I will go up and get an ice-cream? Do they know what this programme is about? Why would they not give you the public, it is your money, why would they not tell people like you? Why is SF not telling you when they paid this money back? Were they ever going to pay it back if we hadn't have asked the question?

MARTIN

Well we don't know that but the reason I feel they didn't tell the public is because they lack integrity as a party, as politicians they lack integrity and they don't think that it is something that we are entitled to know. But I am afraid it is because they are publicly elected representatives and they represent the public and work for the public so they are answerable to us. It is that simple and it is every citizen's duty, it is every citizen's duty in a democracy to keep the people who are our elected representatives on their toes and keep them accountable and answerable to us, and to constantly remind them of their duty and their place, they work for us. We are not their vassals.

STEPHEN NOLAN

SF would point out, and this is true, that they never asked for the money it was an unsolicited payment of £10,000, they would point out that they were always going to pay the money back, they would point out that they have paid the money back, but don't let anything distract you from the key question, did they only pay it back when they realised we were asking them this week if they had done it? There is a hell of a difference if that money was paid back when SF got the money compared to if it was paid back when the public were about to find out, it was still sitting in their bank account if that was the case. Come on SF tell the public. Our political correspondent Enda McClafferty with us, what are your thoughts?

ENDA MCCLAFFERTY

Well it is my understanding this money was paid back this week, the £30,000 that you have been referencing that was paid out to the offices of SF elected members and then obviously when it came to light on Monday I think there was a lot of discussion going on behind the scenes and this money was then paid back, if not yesterday then most definitely on Monday afternoon, that is what we are hearing. So it is, I think, as a result of what you have managed to undercover and put in the public domain that has prompted this response. And I also hear as well that there is a lot of hard questions being asked within the party right now as to how this was allowed to happen and how it has come to this particular point and I think there will be a lot of internal wrangling over the course of the next week or two to discover what went wrong here and how in a sense they will be able to try and put things right but it is a mighty big ask because it is not a good look.

STEPHEN NOLAN

And the political reality now for SF is that they have been looking working class people straight in the eye and telling them that they understand how difficult it must be to not have much money that they understand the pain working people will have if they have had their pay cut or lost completely because they have lost their job and meanwhile SF were sitting on £30,000 of public money that they knew they shouldn't have had.

ENDA MCCLAFFERTY

That is the tricky scenario and they know that right now for instance people are feeling that pain and asking question as to where is their support scheme, where is their financial safety net and they also know for instance the Executive meeting on Thursday this will be raised, this will be discussed and they now at that press conference, if it happens on Thursday afternoon, that there will be

some hard questions for whoever appears in front of the cameras representing SF most probably the deputy First Minister Michelle O'Neill because, as you say, it is coming at a time whenever people are feeling the pressure and to think that there was £30,000 sitting in bank accounts that have now been paid back but have been sitting there essentially since March. And the question also arises I think as well for those people in charge of the scheme, were they made aware of the fact within weeks that this money had landed in these accounts essentially, what were the systems in place to check what was happening because it was interesting to note from the statement we got today from the DfE just the scale of what went wrong here in terms of the numbers, because they are saying today that 452 payments, including those made to wind turbine owners, out of 24,700 completed payments were paid to people who didn't deserve to get the cash essentially and they say that over 70 of the 452 have already been paid back.

And there is another issue as well for the other political parties because while we hear them lining up to say that their people are clear, I think we have yet to hear from the DUP by way of a statement but they are telling us that their people are clear. There is an interesting anomaly in all of this because while a politician may be in the clear, we need to find out if their landlord was paid this grant essentially. If their landlord was paid the £10,000 for their premises which they are letting to the politicians because that also should be paid back, that money, so by saying that none of our people were involved, none of our people directly benefited or party didn't directly benefit, we need to hear if the landlords received this grant because that money will also have to be paid back as well, so that is something I would imagine that the parties will need to step up and answer that question on.

STEPHEN NOLAN

What we have been told by our Stormont source is that there was literally a scramble when they were listening to the programme, the Nolan Show on Monday morning to start to pay this money back and then the DfE don't release the detail to even say that yes, MLAs and MPs had got it, and the public were not being given that detail and then to this day neither the DfE, nor DoF, nor anybody within SF are admitting to the public that the money was only paid back this week. Who do they think they work for these people? They work for the public.

ENDA MCCLAFFERTY

Paid back yesterday is what I am being told now. Yes and there is this issue as well about what is happening between the DoF and the DfE as to how this information is being put in the public domain because we know there is big tension there behind the scenes, I am being told that the DoF didn't really get wind of what was being put in the public domain until after 6 o'clock yesterday

evening and then there followed then a lot of toing and froing between the various departments right up until before midnight last night and I know those within the DoF are insisting that there was at no stage any attempt to try and hold back this information which was going to be put in the public domain whereas of course you are going to get different stories from different sides in all of this, such as the reality of a five party mandatory coalition with all the political dynamics which are involved behind the scenes in all of this, but we did also see this statement from the DfE today saying that two payments were made in error under the category, one to an elected representative and one to a former elected representative in addition a payment was made to the office of a political party, all three grants have now been repaid and the statement then finishes by saying none of the payments were to a person of the same party as the Minister and that Minister of course is the DUP's Diane Dodds so there is much more to run on this and the questions I think will just keep on coming.

STEPHEN NOLAN

The reality is the DfE aren't even saying here it is SF that got it, they are describing it as to the office of 'a' political party and they are saying 'a' current elected representative, it is SF. Why would the DfE not just tell the public it is SF?

ENDA MCCLAFFERTY

We don't know that because, you know because you have spoken to him, Maoliosa McHugh was the elected representative who received this money into his West Tyrone office essentially into the bank account there and the former elected representative we don't know but you have already been in touch with Elisha McCallion to find out if it is her offices in Derry that are responsible here, but the DfE I think is treading a very careful line here, they are not naming people, they are not identifying parties in their statement because obviously they know that relations behind the scene are pretty fraught right now and I think that is why they haven't gone that step further to start pointing the finger in a very official way as to who was at fault here.

STEPHEN NOLAN

Something happened between Sunday night and Monday morning, because this programme had questions into them and we have it from multiple sources that there was a detailed statement drafted and then that detailed statement was not passed on to the Nolan Show and on Tuesday morning we got one line talking about anaerobic generators and the whole question around MLAs and MPs, not a word of it was in there.

ENDA MCCLAFFERTY

What we are being told is that part of the problem was that there was a line in that statement apparently which referenced the fact that no member of the minister's parties were involved in this essentially and that is what was proving problematic, now that is one version of events, another version of events is that it all came very late to the other department and hence they needed more time to study the facts and figures around all of this to be sure that they were in a sound place before they were going to be releasing anything publicly. So you are going to get two version of a story here, such is the nature of our politics in Stormont at the moment.

STEPHEN NOLAN

Brian Donaldson is from Excluded NI.

BRIAN DONALDSON

Stormont keeps on giving to you doesn't it? It keeps giving you stories.

STEPHEN NOLAN

The point is it didn't give us this story we had to go and dig and dig for it and dig more.

BRIAN DONALDSON

I think Enda made a massive point and every MLA up and down this country leases their property, very few own their property, so if I was an MLA now I would be finding out if my landlord got £10,000 because I am sure the Stephen Nolan Show will find out exactly which landlords got that £10,000. And you are talking about MLAs that are fighting for Excluded NI's cause and telling us that things are terrible and we should get this money and you could very well find out that the landlords that they rent their property off got £10,000 for no reason whenever it was illegal to get it. So that to me is a big issue arising from this, I don't think it is just three, I just think they were just three offices that were owned by the person that is in them....

STEPHEN NOLAN

We don't know that and we have no evidence to back any of that up and I am more comfortable sticking to what we do know. How do you think it will make your members feel, the clues is in the title of your organisation, Excluded NI, your members feel that they were excluded from public funding to support them

through Covid and now we know that SF sat on £30,000 of public money that they should never have had?

BRIAN DONALDSON

We fought for six, seven months to get support and even turn a minister's head to say that we are worth this support and now that you hear that they are getting the support through the back door themselves, whether it be accidentally or not it, just shows you they don't have any control over the public purse which is worrying because the public purse is there to help us. I have people on the phone every night that are struggling with mental health issues because they don't feel valued in society but yet those that are above us seem to be more valued than others. So it is getting to the stage where it is a disgrace. The schemes that were announced need to be rolled out and the people of NI need to be able to get that support and they need to get it quick.

STEPHEN NOLAN

The leader of the TUV, Jim Allister, what does this tell you about how NI works?

JIM ALLISTER

It is quite appalling that any MLA would benefit and then procrastinate over returning the money and it does seem that the catalyst for the return was the Nolan Show, it seems that if you had never asked the questions this money would still be resting in the accounts of SF. But I think there are....

STEPHEN NOLAN

Mr McHugh would deny that and would say that he immediately asked for the money to be returned, Elisha McCallion just hasn't spoken to us, so we don't know....

JIM ALLISTER

Let's deal with Mr McHugh, Mr McHugh knows the money went in does he not control his own bank account in terms of being able to then decree that the money shall go back? If he says it should have gone back and it didn't go back who controls his account? Mr McHugh says he had some difficulties finding out how to get it back or who to get it back to....

STEPHEN NOLAN

No he said the organisers had difficulties contacting LPS. I googled it and from May on the NI Direct website there was a clear email address where you could simply email them if you wanted to hand the money back.

JIM ALLISTER

Of course, but if he did have any difficulties, Mr McHugh serves on the Finance Committee as I do, three times we have had the head of the LPS before us, twice in the last months, if Mr McHugh had any questions about how you get money back to LPS he had the perfect direct opportunity to ask, he didn't take it. So once more we have SF playing fast and loose with public money. And let me remind your listeners it is not so many years ago since £700,000 of taxpayer's money was syphoned off into Research Services Ireland, a SF front organisation for alleged research that nobody could find any trace of. SF has form on this and to now find that at this most perilous time for many people, individuals and businesses, that £30,000 was resting in their accounts all this time only to be paid back when the public spotlight comes upon it I think is quite appalling and of course is a very telling insight into the real SF.

STEPHEN NOLAN

To this day, to this very moment neither the DfE nor the DoF will tell the public when that money, their money was repaid, we the BBC are telling the public. No department within Stormont is telling the public what they have done when they got their money back, they won't tell them.

JIM ALLISTER

LPS lies within the DoF, the Minister for the DoF is Conor Murphy, Conor Murphy at the stroke of a pen could direct this information be released, why has he not done that? Why is a SF Minister not coming clean on telling when the money was paid back to LPS...

STEPHEN NOLAN

He would object to the term coming clean and this is....

JIM ALLISTER

Well has he told you?

STEPHEN NOLAN

No he has not.

JIM ALLISTER

Isn't that the point? It is his department, it is an agency within his department which would be the recipient of the payback so he knows when it came back and he could tell you why is he not telling you?

STEPHEN NOLAN

We know, by the way, that DoF and the Minister Conor Murphy knew about the recipients of this grant, knew about the SF recipients on Monday, so we know that they knew about it on Monday and then the statement that came from the DfE on Tuesday didn't talk about it.

JIM ALLISTER

Where is the statement from the DoF? Why are we not hearing from the Minister and his department who controls....

STEPHEN NOLAN

We have heard from them, they have simply answered our questions, we had asked why did the Finance Minister fail to sign off on drafted answers from the Economy Minister, because this is what we are being told, in response to this programme's questions on Small Business Grant payments, so that it could have been released when the Economy Minister wanted it to be, that is what a source has told us what happened and the response from DoF, the DoF received a draft response after 6pm and responded within hours.

JIM ALLISTER

Yes but the DoF has not made a statement to you or to the public saying this is the date, the time when we received back these payments....

STEPHEN NOLAN

Correct.

JIM ALLISTER

They know the answer to that, why are they hiding it? I think the public have every entitlement to be very wary with the obfuscation and the delaying tactics and the cover-ups which keep emerging out of Stormont and really...

STEPHEN NOLAN

I have no doubt that they would object to the work cover-up....

JIM ALLISTER

Nothing from RHI, nothing it seems.

STEPHEN NOLAN

What should happen now?

JIM ALLISTER

I think first of all Mr McHugh needs to be referred to the Standards Commissioner for his failure, knowing he had money which he wasn't entitled to, to make sure it was paid back. I think....

STEPHEN NOLAN

Well he said he requested it be paid back immediately.

JIM ALLISTER

But he knew it wasn't paid back that is the point....

STEPHEN NOLAN

No he has told us he doesn't know when it was paid back.

JIM ALLISTER

He doesn't know, then that is back to my question who controls his account? It is his office account, does the MLA not control it? If he doesn't control it who does control it and why would someone else control it? I think those are the questions which emerge endlessly out of this and I think it is back to the sort of saga we had with Research Services Ireland where MLAs from SF were claiming thousands of pounds for alleged research that they never saw apparently and into an organisation which was run by the financial managers of SF, £700,000 creamed off which was never paid back and now £30,000 which one might speculate would never have been paid back but for the Nolan Show.

STEPHEN NOLAN

Well we don't know that.

WILLIAM

Every morning when I listen to the show I have to check the calendar to make sure it is not the 1 April, because we are just lurching from one scenario to another to another. It is unbelievable. I can't wait until the Blame Game starts again, they have that much material to use.

STEPHEN NOLAN

How does this make you feel as a citizen?

WILLIAM

Ridiculous. Who do you trust or who do you listen to? People are telling you one thing and then every day there is something else popping up and you can't keep up with this. The country is in ruin.

STEPHEN NOLAN

What would you say to SF this morning?

WILLIAM

Come clean, tell the truth. They always want people to tell the truth but sure they won't tell the truth about anything. They have had 30 years, 40 years....

STEPHEN NOLAN

That is not fair is it? They are certainly not telling you when this money was paid back, they are completely avoiding that question from central command they are avoiding that question and Mr McHugh says he doesn't know when the money he received came back out.

WILLIAM

Well I think if somebody put £100 into my account, £100 now, I would know when it went in, I would know who it come from and it wouldn't be resting in my account too long. It is like that episode in Father Ted where Father Ted says

it was only resting in my account. You could write another episode of Father Ted the stuff that is going on. Unbelievable.

STEPHEN NOLAN

And Elisha McCallion, silence from Elisha McCallion, did you get £10,000 of taxpayers' money? No suggestion that you asked for it, was it sent in by error to your account and if it was did you only pay it back last night? Did you only pay it back this week, when did you pay it back Elisha?

STEPHEN NOLAN

Andrew Muir from the Alliance Party, what does this do for trust in politics?

ANDREW MUIR

It doesn't do very much does it, I think there is serious questions need to be answered in relation to this. I can remember when this grant, you probably remember as well when this grant scheme was announced and there was many businesses and individuals in desperate need of assistance and it did assist them but it was very specific at the very beginning that MLA offices and MP offices were to be excluded, it was very, very clear at the very, very start that would be the case. So to hear this stuff today is appalling it really is and these questions need answered and they need answered today.

STEPHEN NOLAN

But there is a system within government to answer these questions, again I remind you and every other elected representative you all work for the public, so we have asked the departments, run by the civil service, when was this money issued, when was it paid back? DfE won't tell us when it was paid back, DoF won't tell us when it was paid back. What about transparency in government?

ANDREW MUIR

I entirely agree and these will be the questions that I will be asking and ensuring to get answers to it. It is an honour and a privilege to represent the people and as part of that there needs to be openness and transparency in politics and stuff like today does not help, that it needs to be addressed and these are the questions that I will be seeking answers to, it is important that those issues are addressed and if £10,000 appeared in my bank account I think I would know about it pretty quickly and it is important that that money should have been passed back straight away, it shouldn't have been paid in the first place, the first

element and if anyone had received that it should have been passed back straight away.

STEPHEN NOLAN

As well as Mr McHugh we are told, it is interesting by the way isn't it that the three payments that were paid in error were all paid to SF? That is obviously just some type of coincidence but it is interesting that all three payments were paid to SF. Again the DfE not telling the public that it was SF related people that got the money but we are telling you it was. Elisha McCallion, we understand received a £10,000 payment, she won't tell the public whether she did or she didn't, we understand she scrambled this week to pay it back, she won't say anything about that, won't confirm or deny it, nor will her party make comment, this is public money.

ANDREW MUIR

It is and what has been reported today is a matter of serious concern and the individuals that you are discussing and the parties need to be able to answer those questions that have been posed and they need to answer those today.

STEPHEN NOLAN

Mairia Cahill with us today, your thoughts Maria?

MAIRIA CAHILL

I think it is incumbent upon SF to produce a proper timeline and answer of this. What happened to transparency and accountability, respect, equality and integrity, these are all buzz words that SF have been using for the last load of months...So really what they should be doing is answering your questions and being completely transparent about it.

STEPHEN NOLAN

They have known about us asking these questions for a number of days now and they have chosen to withhold the information from the public, they are refusing to tell the public when they paid this money back and the Nolan Show is reporting and it is the BBC reporting that they started to pay it back this week after they knew we were onto it.

MAIRIA CAHILL

Well it looks completely ridiculous doesn't it, it looks like there has been a lack of transparency here and they could clear it up fairly quickly. I know there is quite a lot of interest in your story this morning because I am just keeping an anecdotal eye on the southern end of things, so Elisha McCallion in particular is a senator in Dublin, so it beholds the question why payments from the North's public funds were going to her directly in the first place? So I think there is more in this story to come and they could probably stop it at this point by just being as transparent as they should be.

STEPHEN NOLAN

What does this do for that working man or woman that is out working long shifts two and three jobs to try to pay the bills here and they find out that SF sat on this money and then won't even admit it?

MAIRIA CAHILL

I am just not sure how it happened, that is why I am calling for more transparency around it, I would like to see before I point an accusing finger at them, but on the face of it, it looks like they have only moved very swiftly there because they were being found out about it, that to me is not a party that is acting with integrity on this issue and particularly given that the money is Covid money, this was, emergency money in order as you say to help struggling people. I think there are quite a lot of people whose businesses are out of action at the minute who will be very, very angry around this.

STEPHEN NOLAN

And then those, that machinery of government, Stormont, we were having to squeeze and squeeze the information out of them and even when press statements were written, the drafts were written, they still weren't issued.

MAIRIA CAHILL

It doesn't really say much for the New Decade, New Deal, New Approach tagline that everybody was using this time last year in order to get Stormont back in the first place. I think there needs to be a whole culture change within the people on the hill at the minute in terms of how they actually don't show contempt for the public by being completely transparent because that is what it seems like at the minute that it is these little people who are asking all of these questions and the people responsible for it will all scurry away and keep the information out. That is probably not the case but that is what the perception of it is and there just needs to be a complete overhaul of this. This all started originally in terms of lack of transparency for me around the PPE order, which may have had nothing wrong with it whatsoever, but the perception and

secrecy around it from the DoF was the issue there and I think at this point in time here is another one now on top of this. The public are right then to be asking the questions, if this is what we are hearing about what are we not hearing about...?

STEPHEN NOLAN

We did ask the Finance Minister and his officials why they failed to sign off on drafted answers from the Economy Minister in response to questions that we had put in on the Small Business Grant payments, the DoF told us that they received a draft response after 6pm and responded within hours. They said the department was being transparent and they said the Minister, Conor Murphy, became aware of this on Monday and indeed his department were aware of it on the same day.

As we close our programme today there remain questions for Elisha McCallion who has not yet even admitted or denied or confirmed that she received this money, she has not denied or confirmed that she started to try and pay it back this week, we understand the money has been paid back this week for all of the wrongful payments that were made and Maoliosa McHugh, he doesn't know, he claims, when the money went back. I am sure more questions will be asked around that as well.

Programme	Nolan Show
Date & Time	26.10.20
Subject	Wind Turbine Payments
Prepared By	Typist: Donna Morris MMU: PF

STEPHEN NOLAN

We are going to tell you a story and it involves another big pay out by Stormont's economy department to people already benefiting from an excessively generous renewable energy scheme. This isn't RHI, this time it is all about owners of wind turbines. In the old children's programme Camberwick Green Windy Millar had trouble making ends meet, the owners of wind turbines in NI seem to have had no such trouble. An Audit Office report recently found that stand alone wind turbines received excessive subsidies from people's electric bills. And to give you an idea how much money that is the report gave details of one example involving a turbine that could earn a subsidy of at least £95,000 a year. It said the owners in that case would be able to pay back their £300,000 investment within four years and still benefit from 16 further years of very lucrative payments.

And if all that sounds too good to be true it never rains but it pours in NI because there is more, just wait until you hear what the Nolan Show has now discovered. Not only were some owners of those wind turbines receiving excessive subsidies in these tight times when other businesses have been struggling we can reveal today that Diane Dodds the Economy Minister has handed out another additional, extra £10,000 payment to more than 50 wind turbine owners. This money was only supposed to go to businesses hurt by coronavirus restrictions. Did the DfE ever think the wind was affected by Covid?

The scheme that laid to those latest five figure payments was announced with plenty of publicity by the Economy Minister, Diane Dodds.

DIANE DODDS

At present we hold bank details for about 7,000 small businesses who qualify for receipt of this grant. In order to facilitate the collection of the required details for the remainder an online web portal has now opened.

STEPHEN NOLAN

What the Economy Minister hasn't been so keen to share up to now is that her department seems to have blown a lot of that money by sending it to some of the owners of wind turbines and no one seems to know how their businesses could have been affected or in any way damaged by Covid restrictions. Here is the way the small business support grant scheme worked, you qualified for a £10,000 payment if you were already receiving small business rates relief and if you paid business rates by direct debit the money was automatically sent to your back account whether you asked for it or not. And for a number of owners of wind turbines that was quite a windfall, a bit like winning the lottery but in this case you didn't even know you had entered.

A Nolan Show investigation has established a total of £520,000 was shared out among those 52 wind turbine owners. Wait for this, it was only after the money was in their bank accounts that the DfE decided that they had got it wrong and that wind turbines should actually be ineligible for the scheme. So how did those owners get the cash in the first place, what does the department intend to do to get out public money back and will there be any blow back for officials or indeed Minister Dodds?

In a statement to the Nolan Show a spokesperson for the DfE said they are trying to recoup that money, the questions remain as to whether that is even going to be possible. Diane Dodds' department said 'the initial payment method was agreed by the Executive', they said that a review 'determined that owners of wind turbines would not have experienced financial hardship as a result of the Covid-19 crisis'. The department therefore made the decision that wind turbines would not be eligible for support on the scheme. The department will, where possible, seek to recover any funding that may have been paid to those deemed ineligible to receive payment.

And I hope you have clocked the key phrase in that, where possible they will try to seek to recover the money. How is it going to be possible when they sent them the £10,000 cash in the first place? Remember because Stormont screwed up they only made wind turbine owners ineligible for the payment weeks after they had actually stuck it into their bank accounts, so how on earth is it going to be possible to get the money back?

There are still many questions to answer about how once again Stormont has managed to make a mess of the initiative that has improperly handed over big money to a renewable energy scheme and remember the big question, who is going to take responsibility for this latest cock up and is the public going to get their money back?

Leader of the TUV Jim Allister with us this morning, your reaction to this?

JIM ALLISTER

Well it is quite absurd that anyone at any stage could have thought that money which was to rejuvenate businesses which had suffered loss of income over Covid that anyone owning a wind turbine could be in that position, it is absolutely absurd to think that anyone ever thought that. So it is both absurd and it is extremely careless that the money was paid out. The reason why it was paid out is that the Executive adopted a scheme whereby anyone and everyone who was in receipt of small business rates relief if they paid their rates by direct debit they automatically received the £10,000 straight into their bank account, if they didn't pay by direct debit they had to apply for it. This only came to light as I understand it when some wind turbine owners who discovered that their neighbours had got it and one such constituent came to me, then started themselves to apply for it and then the department realised what they had done and stopped the payments and said we would like the money back but getting the money back seems like a pipe dream because this was unsolicited payments to these people and I think it is down to their conscience as to

whether it is returned. But the fundamental question for me in all of this is: why were wind turbines ever in receipt of small business rates relief? There is a list of exclusions from small business rates relief. It includes for example people who have got telecommunication masts, well what is the difference, why were wind turbines not on the excluded list for small business rates relief? And I know that anaerobic-digesters are not on the list of exclusions, so I do suspect that they also got it because business rates are a rate for all non-domestic properties capable of producing an income and a wind turbine is capable of producing an income, that is why it pays business rates, an anaerobic-digester is in the same category that is why, I suspect it pays business rates but they should have both been excluded from the small business rates relief scheme.

STEPHEN NOLAN

I will pick up on that point in a second but curiously we asked the DfE at the same time that we asked them about the wind turbines, we asked them at exactly the time about the anaerobic-digesters, they answered one part of it, they answered the wind turbine part of it and they have so far not answered the anaerobic-digesters so what is going on? Has there been more money, how much money has been spent on those and are they trying to claw that back as well?

JIM ALLISTER

Those are questions that must be answered but I think going forward there needs to be a radical review as to why wind turbines and anaerobic-digesters if they get rates relief are on the small business rates relief scheme, I just don't see the justification for them being there....

STEPHEN NOLAN

What is your threshold for justification, how do you determine who is deserving of it and who isn't?

JIM ALLISTER

Because the very nature of those schemes is they get other subsidies. A wind turbine gets what is called ROCs, Renewable Obligation Certificates that means for every kilowatt of electricity they produce they are paid for it so they are already heavily subsidised as the Audit Report showed to the tune of £5bn by

UK electricity consumers. So I don't see why an industry which is so subsidised should also be entitled to small business rates relief...totally in congress.

STEPHEN NOLAN

Do MLAs get small business rates relief?

JIM ALLISTER

They do but they were excluded from this scheme I can tell you that, certainly I know my office received nothing and I do recall reading within the fine print an inclusion in respect of MLAs' offices, as there should have been of course an inclusion in that regard.

STEPHEN NOLAN

Were they excluded from the beginning or was money sent, do you know this is what we are asking was money sent automatically at the very beginning to MLAs as well?

JIM ALLISTER

I don't believe so, certainly I can only speak from my own experience, certainly my office received no money and I wouldn't have expected to.

STEPHEN NOLAN

Do you pay by direct debit?

JIM ALLISTER

No I don't pay by direct debit....

STEPHEN NOLAN

What they did was at the very beginning of this everybody who paid by direct debit that is who they sent £10,000 to.

JIM ALLISTER

Yes that is right, it is conceivable, I am just working from my own experience, it is conceivable on that basis that MLAs could have got it. I would be utterly scandalised if any MLA received that and didn't instantly return it because it would be quite outrageous with our constituents in the state they are in and with our office rent paid and our rates paid by the state, never forget this part of the funding package for MLAs offices is that you get an allowance to pay your rates, you can hardly get an allowance or pay your rates and then get your rates refunded to you or get effectively what is a subsidy because of the government paying your rates. So it would be absolutely on both levels astounding and scandalous if that happened.

STEPHEN NOLAN

We only put a question, I want to be as fair as possible, we only put a question in around the MLAs and MPs last night so the department to be fair to them need more time to answer that but we have asked them, did any MLAs or MPs receive this money and if so we have then further asked the, did those MLAs or MPs avail of the opportunity which is written into this scheme to pay the money back. Have you got sympathy for the department who were trying to get money out the door as quickly as possible to legitimate business?

JIM ALLISTER

I certainly have sympathy on the basis that there was a huge pressure to save as much as we could in the economy and essential to that was keeping businesses alive and therefore the £10,000 and the £25,000 payment schemes were good schemes, they were generous they were necessary and I understand therefore the compulsion to get that money out the door as quickly as possible, what I don't understand is why no one thought to check that everyone on the small business rates relief would be a legitimate recipient?

STEPHEN NOLAN

That is the story isn't it? It would only have taken them a couple of days to do a quick scan through and spot things like wind turbines, what difference would a few days have made?

JIM ALLISTER

I would have thought they must have this on some sort of IT system where they could identify the nature of each business and I would have thought immediately

you saw wind turbine you thought well they don't need any money and shouldn't be getting any. So I would have thought the exclusion which did come about a couple of weeks later should have been operative from day one and I think it was carelessness not to have done that and of course the person who pays for that is you and me the taxpayer, £0.5m is gone. There are 404 single wind turbines in NI, 52 of them have had this £10,000 and that is 52 that should never have had it. But I do come back to my point I question why any of the 404 are on the small business rates relief scheme?

STEPHEN NOLAN

The UUP MLA Roy Beggs with us this morning, the public are angry, very angry...

ROY BEGGS

And rightly so. Many have suffered and for that matter many continue to suffer without any financial support, a wide range of occupations, taxi drivers, coach drivers, hauliers, hairdressers, barbers they are shut down a second time already and if they had not been paying rates, they had been working from home etc what help have they had? So therefore when money has been given out to those who have already been heavily subsidised everyone is angry and rightly so. But why was there not a basic question asked? It is important that the support went out quickly because businesses were in a real crisis so we have to acknowledge that but you could have had a very simple application form simply requiring people to justify that their business had been significantly adversely affected by the shut down and the vast majority of people that would have been very easy to prove. Wind farms, the wind kept turning, the money kept coming in from the grid, frankly unbelievable that no one in LPS and the department and the Minister didn't think to ask is there anyone that shouldn't be getting it automatically.

STEPHEN NOLAN

Maybe they did ask that and they thought that look on the balance of what there was to be gained get the money out the door and more people, more deserving people will benefit from this and there will be some loss where money shouldn't have gone to some people but at least decent, hardworking businesses will survive the early stages of that pandemic? Maybe that is what happened here?

ROY BEGGS

I suspect that has been part of it but why has it been hidden, why if that was what happened and could be justified to a certain extent why has there not been transparency about it? You are talking about wind farms here, wind turbines, possibly anaerobic-digesters, what about solar farms connected to the grid? What about mobile phone masts are we paying the mobile phone operators, initially I don't think you are entitled to multiple payments but did they pay some of them?

STEPHEN NOLAN

Jim Allister I think said mobile phones masts were excluded but look, we will wait and hear from the department. Did you ask a question around some of this, is that right?

ROY BEGGS

Early in September there was a date, myself and my colleague John Stewart we were highlighting the need to do something for the excluded, everyone who has not received any support from the public purse whose work had ceased, because they were self-employed, didn't have rateable premises they were at that stage certainly not included in any scheme and some still have to receive support as you were talking to taxi drivers earlier on in your show. So we were highlighting the debate those who have been excluded from support and I did pose the question because I had heard anecdotal evidence that wind turbines might be entitled to this and I posed that in the course of the debate in the Assembly....

STEPHEN NOLAN

And what was the answer?

ROY BEGGS

The Minister didn't respond during the course of the debate. Maybe she just wanted to keep it hidden, I don't know why she didn't respond. Frequently when the Minister is unable to respond to all the queries that are raised during a

debate subsequently you would be contacted and the questions would be answered, certainly that did not happen in this case.

STEPHEN NOLAN

Brian Donaldson from Excluded NI. Your thoughts?

BRIAN DONALDSON

I suppose I can answer the question for you straight away on how much is the fraud, I would watch the NI Economy Committee meeting every Wednesday and Mike Brennan the Public Secretary gave a statement which I have tweeted to you, it is a video it is his actual words from the department that they think that there is £13.5m that has been paid out in fraud.....

STEPHEN NOLAN

But this is not fraud of course, this is different, this is the DfE putting money into people's bank accounts even when they didn't ask for it.

BRIAN DONALDSON

That is it paid out in error, error/fraud so there is £13.5m has left the department. Now you look at that in any sector, take child care, child care got paid £300 each for the work that they done to keep the NHS staff going, going into work to save lives and we gave them £300 each and we give wind farms £10,000. And it is not only wind farms, there is £13.5m has gone out of that department and do you know what we can beat Diane Dodds up all we want, the person that puts Diane Dodds in that position of power is where the blame lies. She should never have been in that position and she was put in there by Arlene Foster and how many more times can Arlene Foster let this country down, whether it be RHI, whether it be wind turbines.....

STEPHEN NOLAN

Diane Dodds is a very experienced politician, why should she not be in that role?

BRIAN DONALDSON

I think it has shown that she is maybe a bit out of her depth with things, in the middle of a pandemic....

STEPHEN NOLAN

This was signed off by the Executive this scheme.

BRIAN DONALDSON

There we go again, it is up the road to Arlene. The blame has to lie with the leader of the party, the people she puts in position and these mistakes keep coming out of the DfE. There is 1,000 people work in the DfE, taxpayers money pays for 1,000 people to work in that department and they can't get stuff right. It is not £500,000 this is £13.5m.....

STEPHEN NOLAN

They were trying to get money out as quickly as possible in an unprecedented situation where businesses were failing, good businesses have the potential to fail because of an unknown virus, let's remember the context here.

BRIAN DONALDSON

I know but there is 1,000 people work there, I could get stuff out quickly with 3, 4, 5, 6 people and there would be errors but there is 1,000 people in that department working. There just shouldn't be those sort of errors, there shouldn't be £13m error, it just shouldn't happen regardless of the (unclear) they don't lose their money if they make these errors. There is nobody to hold the Permanent Secretary to account because there is no head of the civil service.

STEPHEN NOLAN

Bob McCoubrey from Mourne Seafood, business across the country Bob when they are hearing this story this morning and they have been trying to fight to get money, what are your thoughts?

BOB MCCOUBRY

I would like to say I am surprised but I am not really surprised, I think the whole problem came down to the way they decided to measure the size of your business was by going by the rates that you pay which is clearly non-seneschal. The Mourne Seafood Bar in Belfast employs 25 people and just because we came in under the 15,000nav we got a £10,000 grant, small butcher

shops who weren't really impacted, they only got £25,000 grant and traded away quite successfully. The £10,000 that we got we spent it plus another £5,000 on creating an outside area, which in all the research that I have seen is a safe dining, hospitality area and that has been closed down. So you know I am just, well you don't know what to say do you?

STEPHEN NOLAN

They tried to get money out to businesses as soon as possible, what we are saying today is why didn't they spend a few days making checks so that businesses which obviously were ineligible didn't have money automatically thrown into their bank account. And by the way there are two tiers here, there are people if they were paying by direct debit they got the money and even people in the same business who were not paying by direct debit, the same line of business, they didn't get it automatically .

BOB MCCOUBRY

It is crazy I could have given them last year's VAT returns, any company could have done that and they could have judged your needs based on that, they could have said look this company turns over £1.5m what is the point of giving them £10,000 grant to keep them going? It just doesn't make any sense and to give it to wind farms, it is just unbelievable. There is so many people out there that I know taxi drivers, window cleaners, hairdressers who haven't received a penny through all this.

STEPHEN NOLAN

Anaerobic-digesters they haven't answered the question, did they give it to them too?

BOB MCCOUBRY

It is crazy but that is LPS, they are just, I don't know what to say any more.

STEPHEN NOLAN

Caroline McComb from McComb Bus Tours, we have been contacted by businesses throughout the country I suspect the Minister Diane Dodds is going to have to make some type of statement beyond what she already has let's see if she does, but there is significant feedback now from businesses and members of the public across the country, what are your thoughts?

CAROLINE MCCOMB

Our overriding feeling really is of frustration, we are eight months into the pandemic now and basically haemorrhaging money. A coach company is a very, very expensive business to keep alive whether you are operating or not. Our fixed costs are colossal. Just before the pandemic struck we spent £0.25m on a brand new full sized coach and because of the issues with the MoT centres we couldn't even get that coach through its initial road worthy test. So it sat gathering dust until September and even now that we have got it tested it has been deemed suitable to use for the carriage of people, it has probably done about six jobs because with the closure now especially of hotels, restaurants, visitor attractions there are no tourists who want to or are able to come here to avail of services, like what we offer.

STEPHEN NOLAN

And when you have been hearing our reporting today, what are your thoughts?

CAROLINE MCCOMB

Again frustration, just constant frustration of trying to bang down the doors of Stormont for recognition for the industries who have been completely forgotten about and set aside and not recognised for what they do give to the business community and the community as a whole...

STEPHEN NOLAN

Meanwhile they were throwing £10,000 to wind turbines.

CAROLINE MCCOMB

I can't knock industries who have a genuine need for funding and who get it, but we have a genuine need for funding and we are not getting it.

STEPHEN NOLAN

I have been speaking to Marcus Leroux about this, he is a journalist at Sourced Material, I began by asking Marcus to give us a sense of the totality of this scheme and where he thinks the holes are in it?

MARCUS LEROUX

The NI Audit Office recently highlighted the NI Renewable Obligations Scheme as directing excessive payments to owners of small wind turbines and also anaerobic-digesters which take agricultural waste and grass and turn it into methane for the production of electricity. The common thread between the two, the wind turbines and the anaerobic-digestion bio-gas plan the subsidies were increased to very generous levels, much more generous than was available in England, Scotland and Wales and then there was a flurry of activity a surge in getting these things installed as people realised that there was money to be made, understandably, that roll out, that expansion of these little cottage industries was entirely unregulated, the planning authorities weren't on top of it.

STEPHEN NOLAN

So did you not need planning to put these wind mills in your garden, your field?

MARCUS LEROUX

You needed planning but you didn't need planning to start claiming subsidies; that was the key problem. On anaerobic-digestion for example getting planning permission for a small farm scale anaerobic-digestion plant that would take farm waste from that farm and nowhere else, put it into one of these anaerobic-digesters, a dome where it is broken, the waste material is broke up into methane and then used to generate supposedly renewable electricity. What actually transpired was a much larger installation than the planners had bargained for, that the local community had bargained for and even when the local authorities and the council turned around and said guys this isn't what we gave you approval for and there is an enforcement notice there is no mechanism for Ofgem to say well if this is effectively an illegal operation you shouldn't be claiming public subsidies....

STEPHEN NOLAN

Ah come on you are joking.....

MARCUS LEROUX

It is all in the audit office report, it is an extraordinary situation. When I was going around speaking to some of the people affected, some of the communities, I was shocked, you hear a lot of things and a lot of accusations as a journalist and a lot of them don't turn out to be exactly as sold on closer

examination but this one surprisingly for me did just seem to be completely (unclear)

STEPHEN NOLAN

Let me just get this right, they had nothing built into this scheme so that if someone was contravening planning illegally having this machine on their site they had built nothing into the scheme so that they could stop the payments to the illegal operation? Come on you have got to be winding me up?

MARCUS LEROUX

If you don't believe me have a look at the Audit Office report it is all in there and it occurred both on the small scale wind turbine side and on the AD the anaerobic-digestion side....

STEPHEN NOLAN

And the public's money of course in this overly generous scheme, nowhere else in the UK would you get this type of return but of course here in NI money was so plentiful, our money, our public money was so plentiful what have the Executive decided to give these people? Here is how the report summed up what was available to at least one recipient. So it costs them about £300,000 to put the operation in, they got that back within four years and then for 16 years after that they were making close to £100,000 a year of our money.

MARCUS LEROUX

A return of about 20% for the small scale wind farms above a kind of notional benchmark of about ten so yes free money and if you look at the anaerobic-digestion side it is very, very similar.

STEPHEN NOLAN

You see this anaerobic-digestion malarkey is that just fancy words for we were using our public taxpayers money to steam off crap?

MARCUS LARUE

A lot of crap, a lot of grass, a lot of chicken poos....

STEPHEN NOLAN

Steam it off, and they are handing somebody £100,000 a year?

MARCUS LEROUX

For the standard size of AD plants the subsidies would be more like £0.5m a year. Now if you look at....

STEPHEN NOLAN

Captured of course and turned it into biogas to be fair to them; that is what it was for.

MARCUS LARUE

That is the point it is turned into bio-gas which gets rid of methane true but then of course once you burn methane you have still got carbon dioxide but we leave that aside. The key problem is the waste matter, it is the nitrogen-rich, ammonia-rich digestant which is left at the end of the process, so it was sold in NI back in the day as a solution to NI's waste problem particularly a chicken litter problem. We couldn't get rid of all of the chicken litter we were producing largely because we have got Moy Park and the problem is that all of the phosphates and the nitrates that are in the litter are still there in the digest at the end of the process and you have got NI has the UK's worst situation for nitrogen pollution in the UK as I said earlier something like 95% of vulnerable protected sites....

STEPHEN NOLAN

Now that the Audit Report has established that there was just too much of our money being paid out, people were getting too good a return on this, where have we heard that before, is there any attempt to claw any of our money back or are we going to be doling this money out for another 15/16 years to some people?

MARCUS LEROUX

I have come across so far one case on the anaerobic-digestion side where there is a significant attempt to claw back money from one particular operator, but obviously that is bad activity at the margins and this is a systemic issue.

STEPHEN NOLAN

Mick Fealty from Slugger O'Toole with us this morning.

What do you make of this, on the one hand the department trying to get money out quickly on the other hand could they not have checked who they were giving our money to before they sent it into people's bank accounts?

MICK FEALTY

Just to take a cue from that last thing that Marcus said, governments are not really good at dealing with systemic issues like this, in fact generally speaking and this is not just true of the NI civil service, they tend to take a systematic approach, almost an automatic approach to any problem that it has to deal with so they use departmental procedures, not only to help ministers make big decisions but also how they deploy solutions and I thought actually the gentleman from Mourne Seafood Bar really pointed out there that in some respects they made decisions that were easy for them as the department but not necessarily decisions that would actually create good outcomes. You heard the DoF making decisions about where the cut off is as to whether someone could get and so this is a civil servant problem as much as it is a political problem. The problem is that civil servants all over the world really aren't really interested in getting feedback on the decisions that they make inside and so some of the stuff that you are getting through your programme this morning is feedback but it is too late for many of the people that are...

STEPHEN NOLAN

Human nature goes, it must be galling for those people who have been big time struggling over recent weeks and they are trying to understand that the system needs to process their application because it is public money and they hear about this?

MICK FEALTY

I don't think it is just galling I think actually what you have uncovered is a degree of stress amongst those people who haven't been able to access this. We saw this in the US, the whole issue about direct debit, where you already gave an easy access to government, government also have easy access to you and it is easier for them to drop money down into your lap because at some level you have gone through a series of checks and balances to make sure that you are, this is the assumption, I am not saying it is true in every case but if you are a

taxi driver or a food retailer and you don't fit in that then as far as the government officials are concerned you really don't exist.

STEPHEN NOLAN

I am sure they would dispute that, Gerry Carroll from PBP, your thoughts on this?

GERRY CARROLL

What I was saying was the whole way Stormont has handled the pandemic has been disastrous, people have been left without any support and we have heard some of those people this morning on your show. But the question I would ask is obviously this is through in a way through the small business grant but you saw through RHI not only over payment for some people but a real biased support towards big corporations and big companies getting support schemes through the government, so I would ask around this, is it a case of large landowners getting grants when they shouldn't have been, corporations getting grants when they shouldn't have been, these are the questions which have to be asked. Obviously wind turbines have to exist on a large plot of land so to me I don't know how they have been described as small businesses. There needs to be some clarity on that and also I think there is a bit of true to form here with the DUP ministers how they have handled environmental schemes in the past.

STEPHEN NOLAN

Stephen Farry Alliance, your reaction very quickly?

STEPHEN FARRY

Clearly this is a very awkward embarrassing situation, not least given the previous scandals that have been in certain areas....

STEPHEN NOLAN

The Executive signed it off.

STEPHEN FARRY

I think there is a need for some perspective as well at the same time in that this was something that was rushed through. Remember decisions were taken here in the teeth of the corona crisis....

STEPHEN NOLAN

Everybody's money hasn't been rushed through, taxi drivers and other people have been waiting weeks for this, how must they feel this morning?

STEPHEN FARRY

Absolutely and I think people are entitled to be outraged in the sense that they have been excluded from issues so in one sense you have the initial grant programme that was rushed out. There were a number of people excluded from that as well as subsequent schemes and they are quite rightly very aggrieved. At the same time people were under pressure to get these grants rolling so that as many people were going to weather the crisis as possible....

STEPHEN NOLAN

And it's a carefully crafted statement from DfE who say, they will seek to get the money back if they can essentially but can they?

STEPHEN FARRY

That is going to be difficult and I am not quite sure what the legal basis for that is going to be and you know for example around RHI there has been various legal challenges in that respect and legislative tweaks have been made and judicial reviews taken against that so you could very easily be back in that sort of territory. Obviously given the controversy of what has gone before even in a very rushed context you maybe would have thought that issues around eligibility for renewables would have been quite high up in terms of even the initial questions that were asked at that time given that there were other exclusions that were put through in the very early days. But I suspect we are going to see more and more of this type of situation where in the cold light six months on (unclear) maybe looks lightly odd or there was a degree of error in that but I think to be slightly fair to people in making decisions in a very rushed context.

Annex B10

Document 10: LPS e-mail 22 March

From: Snowden, Ian
Sent: 22 March 2021 17:30
To: McCullough, Melissa Dr [REDACTED]
Cc: [REDACTED]
Subject: RE: Confidential: Information request

Good afternoon Dr McCullough

In response to your questions, I can advise as follows.

- 1) Mr McHugh was sent a remittance advice note in the post rather than by email. This was because we did not hold e-mail details for that rate account. There was no other form of e-mail communication from LPS to Mr McHugh or his office about the payment of the £10,000 grant.
 - 2) A pdf copy of the remittance issued by post is attached. There is no evidence of any other remittance, notification or correspondence by post or otherwise from LPS to Mr McHugh or his office in connection with the payment of this grant.
 - 3) The bank account that the money was paid into was Sort Code [REDACTED] and Account Number [REDACTED]. Account NI have undertaken a trace on the payment (see e-mail attached entitled 'FW: URGENT BACs Trace DFE Grant – Confidential – 12-03-2021') which confirms that this was the account the payment was sent to. Please note that the actual name of the account will not be shown by BACS, only the name that was submitted in our payment file (normally the payee name).
 - 4) The £10,000 grant was paid back by cheque on 26 October 2020. An image of the cheque and the associated Account NI records is attached in the document entitled 'Timing for lodgement.docx'. In addition, this is the extract from the daily Failures and Returns spreadsheet provided by Account NI

<input type="checkbox"/>	<input checked="" type="checkbox"/>	26-10-2020		22-10-2020		10,000.00	   
MAOLIOSA MCHUGH MLA - STRABANE SNN F							
							  
							  

- 5) You may be aware that I was asked to give evidence to the Assembly Finance Committee on 18 November 2020 in relation to the £10,000 Small Business Grant. The timing was driven by media coverage of the payment of grants to four MLA and MP constituency offices and a number of wind turbines. During the course of that hearing I gave an explanation of how the payments came to be made. The Hansard transcript will provide some useful information. However, the key points are:

- The £10,000 grant was an emergency measure to address the immediate economic impacts of the Covid-19 pandemic. The basic eligibility criterion was that the business had to qualify for Small Business Rates Relief, although a number of exclusions were

applied (see the next two points in particular). In order to deliver the support quickly, a decision was taken to issue automatic payments to those businesses that qualified for Small Business Rates Relief which paid their rates by Direct Debit and for which we held bank account information.

- The Minister for the Economy instructed that payments not be issued to MLA and MP constituency offices. LPS staff undertook a search of all Northern Ireland MP and MLA constituency offices in order to identify them in the rating list and exclude them from payment. Because of the December 2019 General election and the restoration of the Assembly with a large proportion on new co-opted members in January 2020 this exercise had to be undertaken from scratch as no up to date was available.
- The member of staff who was primarily responsible for preparing the files ran a script to identify the MP and MLA offices in the list of all properties in receipt of Small Business Rates Relief (which may therefore be eligible for the grant). This was one of several similar pieces of code that were written at the same time to identify other kinds of property to be excluded as part of the process of creating the payment file. An error was made in writing this particular script which meant that although the MP and MLA offices were flagged in the main list, they were not removed from the payment file. As I explained in the Assembly Committee, this was an simple error made by a member of staff who was working under enormous pressure at this time. The error was identified and corrected for the 4th and subsequent payment files.
- No application was submitted by any of the political offices paid in error as all had their rates paid by Direct Debit and we held the necessary bank information. All of the automatic payments issued without application were paid in one of the first three payment runs on 26 March, 31 March and 3 April 2020. All subsequent payments were made in respect of applications submitted.

I was contacted early on 26 October 2020 by a member of staff at the West Tyrone Sinn Fein office in Omagh asking for details on how a grant could be repaid. As I was on leave on that date, I passed the request on to a member of staff to answer. I was only became aware subsequently, as a consequence of the media coverage, that the request was in respect of the Sinn Fein Office in Strabane.

I hope that information is helpful.

Ian

Ian Snowden
Chief Executive
Land & Property Services
Lanyon Plaza, 7 Lanyon Place, Belfast, BT1 3LP

Annex B11

Document 11: LPS Remittance Notice 03 April 2020 & BACS Trace



**BACS REMITTANCE ADVICE
NO MONETARY VALUE**

MAOLIOSA MCHUGH MLA - STRABANE SNN F?
IN OFFICE
UNIT 3 1A MELVIN ROAD
STRABANE
TYRONE
BT82 9PP

Accounts Payable Section

Account NI
Goodwood House
44-58 May Street
Belfast
BT1 4NN
Northern Ireland

Tel No: 08456 713 133
e-mail: servicedesk@accountni.gsi.gov.uk

Payment Date: 03 April 2020
Document Number: 80003091123

Sort Code:
Account Number:
Unit No./Roll No.:
Payment Amount: 10,000.00
Currency: GBP

Associated Invoices

Invoice Num	Date	Description	Value
2237071 5797674	03-Apr-2020	DEPARTMENT FOR ECONOMY - SMALL BUSINESS GRANT - COVID-1	10,000.00
		Total:	10,000.00

For and on Behalf Of Department for the Economy



BACS Payment Schemes Limited

Produced on: 2021-03-18 at 12:40

Report ref: MCA 8107

Report ID : MCA-1131841

Page 1 of 2

Trace Requested on 19-Mar-2021

Scheme Member : 0038 NBL T/A DANSKE BANK

Originating Service User: 241211 ACCOUNT NI - NI CIVIL SERVICE

Destination

Originating
Sort Code : 95-01-21

Commons · Both

Amount : 10000.00

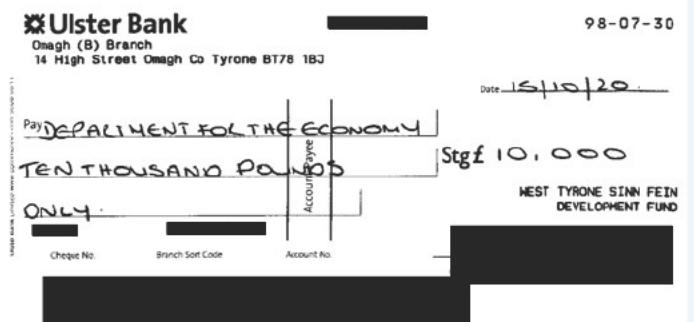
Amount : 10000.00

Submission Arrival Date : 02/04/2020 Submitter: B95035 Northern Bank Ltd T/A Danske Bank File Count : 892 Reference : 20200402015034412220 STS

File Processing Date : 03/04/2020 Originator: 241211 ACCOUNT NO.: NC CIVIL SERVICE Item Count : 3254 File Reference : 20200402015115281958

Actual Process Dt	Destination			Originating			Numeric Ref	Amount	Tran	Err	Item	Instr
	Sort Code	Account No	Type	Name	Sort Code	Account No	Name	Reference				
07/04/2020	98-07-30	29589005	0	MAOLIOSA MCHUGH ML	[REDACTED]	DFE	80003091123	GBP	10,000.00	99		
Submission-Article Date:	08/04/2020	Submitter:	806035 Northern Bank Ltd T/A Danske Bank	File Count:	457	Reference:	20200408015024504220	STS				

Document 12: Repayment to LPS 26 October 2020



View entry details

Account: Department for the Economy
[REDACTED] GBP

Account holder: DEPART FOR ECON - [REDACTED]

▼ Posting details

Text: 80003091123 UKchq

Entry type: Reserved for online system

Amount posted: 10,000.00 GBP

Status: Completed

Entry date: 26-10-2020

Interest date: 27-10-2020

Commission date: 26-10-2020

▼ Message

▼ Technical posting information

Sender's reference: 36AZ

Archive reference: M433400187

System: Teller System

Source: M433400186

Transmitted on: 26-10-2020

Created on: 2020-10-26-16.02.29.056004

Received on: 2020-10-26-17.02.29.982327

Document 13: LPS e-mail 25 March 2021

From: Snowden, Ian [REDACTED]
Sent: 25 March 2021 17:43
To: McCullough, Melissa Dr [REDACTED]
Cc: [REDACTED]
Subject: RE: Confidential: Information request

Good afternoon Melissa

The cheque was received by Account NI rather than by LPS directly. We have contacted Account NI to confirm the date that the cheque was received. They have confirmed that it was received by them on the 26th of October and processed on the 27th.

I am not in a position to offer any insights into why the cheque is dated 15 October but the contact came on the 26th.

Ian

From: McCullough, Melissa Dr [REDACTED]
Sent: 25 March 2021 13:30
To: Snowden, Ian [REDACTED]
Cc: [REDACTED]
Subject: RE: Confidential: Information request

Hello Ian

I was hoping you might be able to clarify something.

I am slightly confused as to why the cheque is dated the 15/10 yet you were contacted on 26/10 asking you how a grant could be repaid.

The repayment cheque is dated 15/10/20. The date shown as cleared in the LPS is 26/10/20. Are you able to say when the cheque was received by LPS? I am trying to establish if the space between the 15th and 26th was either a cheque clearing time or otherwise.

Appreciate your help.

Many thanks
Melissa

From: Snowden, Ian [REDACTED]
Sent: 26 March 2021 10:32
To: McCullough, Melissa Dr [REDACTED]
Cc: [REDACTED]
Subject: RE: Confidential: Information request

Melissa

A little bit of additional information that may be useful to you. We have traced that the cheque was paid into the Cloughfern Branch of the bank in Newtownabbey on the 26th and receipted by Account NI on that date and the funds were cleared by the bank on the 27th.

Ian

Document 14: LPS e-mail response to Commissioner 30 March 2021

From: Snowden, Ian [REDACTED]
Sent: 30 March 2021 16:56
To: McCullough, Melissa Dr [REDACTED]
Cc: [REDACTED]
Subject: RE: Confidential: Information request

Dear Melissa

I have provided answers to your questions below. The answers are possibly a bit longer than you were expecting, but some context on the rating system is necessary to help explain the position properly.

It is my understanding that the name of the LPS rate payer account and the attached bank account are not necessarily reflective of the same thing and that the bank account attached to the named LPS account do not necessarily need to match or belong to the same named person (if named) on the LPS account. Can you confirm this is correct?

Rates are a tax on the occupation of property – that means that the occupier of the property is normally liable to pay the rates rather than the owner. (There are some exceptions to this where the owner or landlord of the property is liable for the rates: landlords/owners are liable the rates on very small non-domestic properties with Net Annual Values under £1590; and a landlord can apply to retain the liability and recover the cost through the rent charges to a tenant.) LPS would want the name on a rate account to be such that it would allow us to clearly identify who the occupier is in order that we can collect the rates from them. In the case of Mr McHugh's office in Strabane, the account name 'Maoliosa McHugh MLA – Strabane Sinn Fein Office' would be sufficiently unambiguous to identify clearly who is liable to pay the rates on the property and to pursue them for payment if that were necessary.

The notion of a '[bank account attached to the named LPS account](#)' is perhaps based on a false assumption that a rate account will always have a bank account attached to it. LPS' primary interest is in collecting the rates that are due on a property and we accept payment using many kinds of methods including direct debit, bank transfer, debit or credit card, cheque or cash at a Post Office or Pay Point. Therefore you don't need to have a bank account to pay your rates. Some ratepayers have multiple accounts that they use at different times; indeed, many rate accounts paid by direct debit have multiple sets of bank details recorded in our system. Someone else can choose to pay your rates for you (if you are lucky). Some businesses are part of a larger group or conglomerate that go by a completely different name. Some businesses delegate management of their rates to an accountant or other professional service. As long as the rates are paid, LPS has a very limited interest in who pays the money or how it is paid. A number of questions were asked of LPS last October about why we didn't check that the rate account name and bank account name matched, but there is no reason for us to do that and it would serve no useful purpose in terms of collecting the rates revenue.

[Just so I am clear, does the name used as the LPS account name need to be reflective of the actual bank account attributable to the same?](#)

For the reasons explained above, the name on the rate account doesn't have to reflect any bank account name.

Also, it is my understanding that the LPS account named Maoliosa McHugh MLA-Strabane Sinn Féin Office has been changed sometime since October 26. Are you able to confirm this? If so, can you confirm the name change.

The name has now been changed to 'Strabane Sinn Féin Office'.

Can the owner of a property register the name of the LPS account anything or are there guidelines to what the account can be named?

LPS sets up or amends the rate accounts of the occupier/owner of properties based on information provided by phone, using the on-line ratepayer change form or by written correspondence. NI Direct and LPS staff processing this information are trained to do so in accordance with telephone scripts and guidance provided in procedure documentation. As a general rule, we go with what the ratepayer tells us their name is or what their business is called, although there are some conventions on dealing with deceased persons and the names of ratepayers who trade under a business name (e.g., a common formulation on non-domestic accounts looks like Ian Snowden T/A Land & Property Services).

Ian

Annex B15

Document 15: Email response from Director of Corporate Services 31 March 2021

From: Stewart, Richard
Sent: 31 March 2021 13:58
To: +StandardsCommissioner <standardscommissioner@niassembly.gov.uk>
Subject: RE: Clarification request: Please forward to Richard

Dear Melissa

I can confirm that the Assembly Commission has neither received nor paid any claim for the reimbursement of rates from Mr Maolíosa McHugh MLA in respect of the property at 1A Melvin Road, Strabane.

Furthermore, there is no legislative provision that would enable the Commission to make a payment to a political party in respect of rates for any property so no payment has been made to Sinn Féin in respect of rates for that property.

I trust this is helpful.

Best regards

Richard



RICHARD STEWART
Director of Corporate Services
Corporate Services
work: [REDACTED]
mobile: [REDACTED]
email: [REDACTED]

Room 107
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

From: [REDACTED] **On Behalf Of**
Of +StandardsCommissioner
Sent: 30 March 2021 09:55
To: Stewart, Richard [REDACTED]
Subject: Clarification request: Please forward to Richard

Richard

Please see below a formal request from the Commissioner for Standards, Dr Melissa McCullough.

Kind Regards

[REDACTED]

From: McCullough, Melissa Dr [REDACTED]
Sent: 30 March 2021 07:18
To: [REDACTED]
Subject: Clarification request: Please forward to Richard

Dear Richard

Hope you are keeping well.

I am writing to seek clarification in relation to a case I am investigating.

Does the Assembly pay or reimburse rates to Maoliosa McHugh MLA-Strabane Sinn Fein Office, Unit 3, 1A Melvin Road, Strabane, BT83 9PP?

Does the Assembly pay or reimburse rates to Sinn Fein in relation to Maoliosa McHugh MLA-Strabane Sinn Fein Office, Unit 3, 1A Melvin Road, Strabane, BT83 9PP?

I appreciate your assistance.

Kind regards

Melissa



DR MELISSA MCCULLOUGH

Commissioner for Standards

work: [REDACTED]

email: [REDACTED]

Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Document 16:
Guide to Declaration of Interests received from Finance Committee 25 February 2021 in response to Commissioner request



Committee for Finance

Dr Melissa McCullough
Northern Ireland Assembly Commissioner for Standards
Room 283 Parliament Buildings
Ballymiscaw
Belfast BT4 3XX

25 February 2021

Our Ref: 2021: 114

Dear Dr McCullough

At its meeting of 24 February 2021, the Committee for Finance considered your recent correspondence requesting a copy of the documents referenced in the minutes of proceedings of the Committee for Finance on Wednesday 22 January 2020.

The Committee agreed to reply to you providing the information that you had requested. The following is appended:

- **Appendix A** - Committee approach to preparation and questioning (Item 7)
- **Appendix B** - Agreed protocol on conduct and courtesy at Committee Meetings. (Item 8)
- **Appendix C** - A copy of the Guide to Declaration of Interests (Item 12)
- **Appendix D** - A copy of the Guide to the Role of Committee Chairpersons (Item 13).

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

Peter McCallion

Peter McCallion
Clerk to the Committee for Finance
Enc.

Peter McCallion, Clerk to the Committee for Finance,
Northern Ireland Assembly
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX.
Email: committee.finance@niassembly.gov.uk Tel. 028 9052 1821

Appendix C

FROM: Jim McManus, Clerk to the Committee for Finance
TO: Chairperson, Deputy Chairperson and Committee Members
DATE: 17th January 2020
SUBJECT: Declaration of Interests in Committees

1. Standing Order 69(5) states: "A

member who has:

- (a) A financial interest in any matter; or
- (b) A relevant interest in any matter, must declare that interest before taking part in any proceedings of the Assembly relating to that matter."

2. The requirement to declare an interest complements the registration requirements and applies to almost every aspect of your Assembly duties, including work on committees. The requirements for declaration cover a broader range of interests than registration.
3. Members of committees are required to declare, at various times, any relevant financial or other interests which relate to the work of any committee of which they are a member. In particular, **a financial or other relevant interest should be declared if it might reasonably be thought by others to influence your approach to the matter under consideration** (in this case, by the Committee).
4. The requirements for declaration include the following types of interests which relate to a matter under consideration: financial interests which have been registered; past financial interests (normally limited to those active within last 12 months); indirect financial interests (such as the financial interests of a third party); expected future interests; financial interests of a sort which do not require registration; and any non-financial interests.
5. At your first meeting of a Committee you should declare financial and other interests relevant to the remit of the Committee. In addition, you should declare financial and other relevant interests as and when they arise on the Committee (e.g. when deciding on the subject of an inquiry, during evidence sessions involving witnesses to whom the interest is particularly relevant).
6. Circumstances may arise when you should consider whether, on the grounds of conflict of interest, you should stand aside from the Committee proceedings relating to the matter. In that regard, you should note that, under Rule 1 of the Code of Conduct, all Assembly members are required to base their conduct on a consideration of the public interest, avoid

conflict between personal interest and the public interest and resolve any conflict between the two at once, and in favour of the public interest.

7. Members should also be mindful that, in addition to the rule on declaring interests (Rule 5), other rules contained in the Code of Conduct are applicable when sitting on committees. These include, for example, the rules prohibiting paid advocacy (Rule 7 and Rule 8). **It should be noted that failure to comply with the rules on registering and declaring interests and on paid advocacy may be an offence under section 43 of the Northern Ireland Act 1998.**
8. Members should refer to “The Guide to the Rules relating to the Conduct of Members” for further information on declaring interests (Chapter 2) and on paid advocacy (Chapter 3). Members will already have received a copy of the Code of Conduct and Guide to the Rules. Further advice and guidance is available from the Clerk of Standards, Mr Shane McAteer in Room 254, Parliament Buildings.

Jim McManus Clerk to the Committee for Finance