

51 Gransha Road
Dundonald
Belfast BT16 2HB

Chairman
Committee for Social Development
Room 284
Stormont Parliament Buildings
Belfast BT4 3XX

30th July 2014

Dear Mr Chairman

I am in receipt of your letter of 3 July 2014 in which you request written evidence in relation to your Inquiry into the BBC Spotlight programme aired on 3 July 2014.

In particular you ask me to focus on two elements (1) a meeting on 28 April 2011 and (2) a meeting on 27 June 2011.

I welcome the opportunity to do so. Indeed immediately the programme was broadcast I instructed one of my lawyers, Mr Paul Tweed, to commence defamation proceedings. Mr Tweed drafted, for my approval, a letter to institute legal proceedings. Subsequently the Speaker confirmed after an Assembly debate that there would be no constraints imposed upon the Committee in investigating these matters. (see below)

Mr P Robinson: *On a point of order, Mr Speaker. Can you confirm that the outcome of the vote and defeat of the original motion now leaves no limitations on the Social*

Development Committee in the carrying out of its investigation and that it has full powers to proceed with its investigation without any constraints?

Mr Speaker: *I can confirm that the decision that the House has taken this afternoon certainly will not constrain the Social Development Committee in its inquiry, but I have no doubt that the Committee will want to take into account the debate in the House this afternoon as part of its inquiry.*

Your Inquiry allowed me an alternative outlet through which to state my case. The Committee and public can also judge the BBC by its appearance at the Inquiry and the truthfulness of its case as they attempt to stand over their outrageous claims about me.

Both of the meetings you have asked me to comment upon are covered by Official Minutes taken by others. The programme's scurrilous accusations are not supported by either Minute. Indeed the Minutes debunk the falsehoods in the Spotlight programme.

There should be serious concern that the BBC would intentionally manipulate, misrepresent and distort the factual position in order to make false and defamatory accusations against me.

In responding to your request I am making the working assumption that you want me to address the main claims made by the BBC in relation to me; namely that I breached the Ministerial Code and acted in an inappropriate manner by being present at meetings relating to a constituency matter. Such accusations are manifestly and self-evidently untrue.

However, by way of scene setting I shall set out my involvement with this issue.

I attended both meetings at the request of my East Belfast party colleague Robin Newton who had been dealing with the potential loss of 400 jobs in the constituency. Robin had, prior to these meetings invited both Sammy Douglas (my other East Belfast DUP colleague) and me to accompany him to meetings with both the management and workforce at Red Sky.

During those meetings at Red Sky's premises both the management and workforce representatives we met expressed, in the most convinced and resolute manner, the view that (1) the company was being singled out for sectarian reasons; (2) that other companies carrying out work of a similar nature, for the Housing Executive, were no better or worse than Red Sky in the way they were discharging their contracts and (3) the NIHE systems and staff were, in no small measure, to blame for the problem.

No elected representative who heard such charges could do anything other than robustly put the allegations to the NIHE.

The matter was even more vital given the impact on the livelihoods of hundreds of our constituents. I contend that responding to massive concerns from constituents is not a choice – it is a duty. I acted as any constituency member in my position should act by representing the concerns and interests of their constituents. For this I make no apology.

It is also worth noting that elected representatives from both the Ulster Unionist Party and the Alliance Party also made representations to the DSD about the fate of the company.

In meeting the NIHE we put the claims made by Red Sky's management and workforce and called for other contractors to be subjected to the same scrutiny.

While the Housing Executive denied the Red Sky accusations, events have shown that after detailed independent investigations were carried out similar assertions were subsequently made against the other companies carrying out comparable work. The NIHE representatives we met acknowledged that some NIHE staff had been partly responsible and investigations were underway. After further similar cases have been found it is clear there were procedural and systemic failings. However, while there might be circumstantial inferential details suggesting there was a sectarian motivation I have seen no conclusive evidence to prove this particular accusation.

The BBC claimed that I was **in breach of the Ministerial Code** because I attended a meeting alongside other East Belfast DUP Assembly Members with Minister McCausland in order that he should be made aware of our concerns about the impact on a company and workers in our constituency arising from the withdrawal of a NIHE contract.

There can be no doubt that I acted as a constituency representative. Both sets of Minutes show I attended as a constituency

representative and not as a Minister. The BBC's attempt to suggest I was acting in a Ministerial capacity is absurd and exposes either their complete ineptitude or an improper political motive.

The bogus accusation that I acted in a Ministerial capacity is discredited by the following proofs –

- The Minute shows I accompanied my two Party Constituency colleagues and was described in the Minutes as Peter Robinson MLA. (Note – no reference to my being a Minister)
- In contrast when the Minute refers to Mr Nelson McCausland he is referred to as Minister McCausland.
- I am a Minister in OFMDFM which is a joint department. There was no involvement of the deputy First Minister who, in line with protocols and practice, would be made aware of any meeting if I were acting in a Ministerial capacity.
- None of my Special Advisors was at either meeting – they would have been present if I was attending as a Minister. (Also it should be noted that Minister McCausland who was acting in his Ministerial role had his Special Advisor present.)
- While Minister McCausland had Departmental Officials present no OFMDFM Official was in attendance at either meeting. They would have been if I had been acting in a Ministerial role.
- No person in OFMDFM was involved in scheduling either meeting nor in taking any other action relating to the meetings - before or following them.
- If I was attending as a Minister my Officials would have set up the meeting - not Robin Newton.

To support their false accusations the BBC claimed **“both Ministers are listed on the leaked minute of the meeting”**. As a matter of indisputable fact anyone reading both Minutes will find that only one person at one of the meetings – Minister McCausland - is listed as being a Minister.

Spotlight then seek to prop-up their unsound hypothesis by claiming that **a leading QC has told Spotlight that by attending this meeting First Minister Peter Robinson was in breach of the Ministerial Code.**

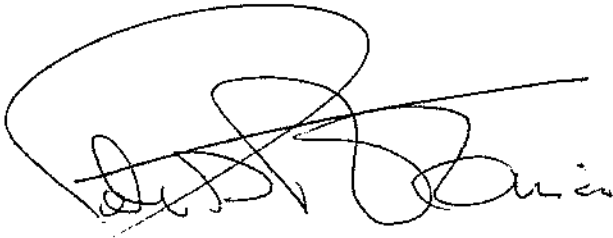
Given the absence of any evidence that I was acting in a Ministerial capacity and the catalogue of evidences and signals that I was not, it defies credibility that any competent QC, properly instructed, who had been provided with the Minute of the meeting and is not politically motivated, could remotely or reasonably have reached such a conclusion.

The BBC needs to supply the name of the QC and provide the committee with the legal opinion of the unnamed QC who they claim made such an implausible remark. There is no substantiation that the BBC received any such considered legal opinion. This is important as the BBC sought to use the reference to the anonymous QC in order to suggest there was someone who was independent, of standing, credible, expert and authoritative who had robustly interrogated and evaluated the facts and was supporting – indeed making - the accusation.

In assessing the legal competence of this claim the Committee might wish to determine whether the Attorney General is prepared to share his advice on the BBC's claim as it relates to me.

If the Committee wishes me to respond to any further question I am, of course, happy to do so.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter D Robinson', with a large, sweeping flourish above the name.

Peter D Robinson MLA