



Isle of Man Government

Reiltys Ellan Vannin

From The Chief Minister

Veih'n Ard-Shirveishagh

Hon A R Bell MHK

Chief Minister's Office

Douglas

Isle of Man

IM1 3PG

British Isles

Our Ref: CM/jas

28 August 2013

Mr J King
Deputy Clerk of Tynwald
Legislative Buildings
Douglas
Isle of Man
IM1 3PW

Telephone: +44 (0) 1624 685702

Fax: +44 (0) 1624 685710

Email: chief.minister@cso.gov.im



Receipt ack'd

Category

SC Inq or Dept

☒ Private Ev

☐ Public Ev

☐ Corr

To be held in accordance with standing instructions for category

Additional Actions

Other instructions

☐ Circulate now

☒ List on next Agenda

Dear Jonathan

Thank you for your letter dated 19 July 2013 regarding the Select Committee's request for my response to Mr Lewin's allegations and assertions.

As you know I voted for the Committee to continue to explore Mr Lewin's seemingly carefully timed emails which he issued only a very short while before Tynwald was due to debate the Select Committee's report. I did so because, in a small Island community, it is important to establish facts.

I have read with interest the full transcript of Mr Lewin's oral evidence session and I can only report my utter dismay at the nature of some of his statements. Interestingly he seemed to struggle when directly asked to provide examples or more specific details in order to evidence those statements.

My roles during this period changed and there is little clarity about the specific month or year I am supposed to have taken certain actions. My contacts with the Directors and Senior Managers in Heritage Homes would have been relatively frequent and for a variety of purposes throughout the period since 2009. That is because in my role as Treasury Minister, which predated the creation of the Department of Economic Development, I had responsibility for ensuring that the local economy was thriving. Major employers and construction companies obviously have an important role in that growth.

In 2010 when the Department of Economic Development was created I took up the role as Minister for that Department and continued with my regular contacts with people in the construction industry. Since 2009 to the current day the construction sector has struggled economically and I consider it a key role of the Minister for the

Department of Economic Development to understand the nature of the challenge all sectors face.

In direct response to your first question and your second question, which is a request for my response to Mr Lewin's allegations, my comment is as follows –

1) With reference to Mr Lewin's several allegations you report in paragraph 5(ii) of your letter; that as early as 10 December 2009 Heritage knew it could not use the alternative access; that they deliberately decided not to tell the truth and were not honest with the Department of Education; that any reference to alternative access in negotiations with the Department were a scam or a bluff and Mr Bell and Mr Teare knew this.

You have asked me to answer whether I knew the alternative access was a bluff. With respect, it seems that you may first need to establish whether any evidence exists to support that allegation. At the moment you appear only to have Mr Lewin's account of this matter. As a result you are asking a rather leading question here. I suspect that only the parties to the negotiation know whether in fact there was any element of bluff within their discussions. I was certainly not involved in the negotiations and cannot comment on what tactics a company may or may not have used. I do not have any recollection of discussions about visibility splays or access rights on the relevant development and I seriously doubt the validity of Mr Lewin's assertion that Heritage would confide in me. It seems inconceivable that a company would inform a Government Minister of their tactics towards important business discussions with another area of Government. As for Mr Lewin's assertion that Minister Teare knew this to be a bluff, then by default, the Department knew as the Minister ~~is~~ the Department. If it really was the case that the Heritage team knew the second access was not viable, then they are hardly likely to tell the other party as this could only serve to increase the cost to their company. It is a ridiculous assertion and one I strongly refute.

2) The manner in which negotiations were conducted – you have asked me to comment on these allegations.

Unfortunately your letter is not clear what allegations you wish me to comment on. In your paragraph 7 you mention that he implies "improper motives and tactics on the part of Mr Teare and Mr Bell" L2, paragraphs 17, 20, 21 and 22. You go on to say that in his oral evidence Mr Lewin made the following suggestions –

- At the request of Heritage, I arranged for Mr Teare to take a personal role in the land exchange deal
- I conspired with Heritage to con Mr Teare
- I arranged that Derek Sewell would be taken 'off the job'. The purpose was to facilitate Highways approval for the alternative access but in a form which would be unusable.

For clarity I shall answer both sets of allegations. Taking the allegations of "improper motives" in order: -

L2 Para 17 Mr Lewin alleges that Seamus Nugent told him, that Dan Tynan told him, that during a conversation with me I said I would encourage Minister Teare to enter into discussions.

I have absolutely no recollection of such a discussion; if I had been approached on a matter of re-visiting a policy decision then I would simply have passed the request on to the appropriate Minister. His allegation is complete hearsay.

L2 Para 20 This paragraph is an allegation about Minister Teare, which I shall assume you have erroneously copied in to your letter to me.

L2 Para 21 This paragraph alleges that Heritage withheld the actual true position from the Department. However Mr Lewin asserts that from his discussions with the Heritage team Minister Teare was aware of the actual position and further that myself and Minister Anderson were either aware of the true position or were misled by the Heritage team. This is a conflicting statement; as I mentioned in an earlier paragraph the Minister is the Department, so one cannot allege that the Department doesn't know something but the Minister does. I cannot recall any particular conversations with either my Ministerial colleagues or the Heritage team about details of access. Ministers are always mindful to tread very carefully where a person wants to discuss issues which are likely to manifest in a planning application. My usual response would be to refer them to highways or planning.

L2 Para 22 Unfortunately Mr Lewin was unable to provide the Select Committee with any specific allegations about 'sweeteners'. My response more generally is to refute his allegations entirely.

In respect of the three specific bullet points –

- At the request of Heritage, I arranged for Mr Teare to take a personal role in the land exchange deal
- I conspired with Heritage to con Mr Teare
- I arranged that Derek Sewell would be taken 'off the job'. The purpose was to facilitate Highways approval for the alternative access but in a form which would be unusable

In respect of the first bullet point I strongly refute this allegation and I do not recall any such discussions with Minister Teare; taking a close interest in an important negotiation is an entirely proper role for him as a Minister. This is a point that you acknowledged in your original report.

The second bullet point is a conflicting allegation: It alleges that I knew the position and conspired to keep that information from Minister Teare, but Mr Lewin also alleges that Minister Teare knew the full position, (see L2 para 21). Frankly, having now had the benefit of seeing maps and descriptions within your Committee's

report, there is at last some clarity to this information and its importance. I doubt very much 'visibility plays' and legal rights of access would have been a matter that I was able to devote any time to consider. I certainly have never 'conspired' with anyone to deceive or 'con' Minister Teare about it.

In respect of your third bullet point I believe this allegation really throws considerable doubt on the accuracy of everything Mr Lewin has said. I have no recollection of ever discussing Mr Sewell's name in relation to this. It is my understanding that Mr Sewell took no part in the discussions about a major development in Kirk Michael as he is a long term resident of the village. I could not possibly have 'removed' someone who was not involved in the process.

I think the somewhat sad conclusion I draw from this is that Mr Lewin does not possess any evidence to substantiate his assertions and allegations and no longer seems to be able to differentiate between fact, hearsay and complete fiction. He simply has a beef against Government and his ex-employer.

I fully appreciate that your Committee has been mandated to explore these issues further, however Mr Lewin's wild allegations in my view lack any credibility at all.

Yours sincerely

A handwritten signature in cursive script that reads "Allan Bell". The signature is written in dark ink and is positioned above the printed name of the signatory.

Hon Allan Bell, MHK
Chief Minister