



Northern Ireland
Assembly

Committee for Agriculture, Environment
and Rural Affairs

OFFICIAL REPORT (Hansard)

Withdrawal of DAERA and
Local Authority Staff from Ports:
Mid and East Antrim Borough Council

22 April 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Declan McAleer (Chairperson)
Mr Philip McGuigan (Deputy Chairperson)
Ms Clare Bailey
Mrs Rosemary Barton
Mr John Blair
Mr Maurice Bradley
Mr Harry Harvey
Mr William Irwin
Mr Patsy McGlone

Witnesses:

Ms Anne Donaghy	Mid and East Antrim Borough Council
Councillor Peter Johnston	Mid and East Antrim Borough Council

The Chairperson (Mr McAleer): I welcome Anne Donaghy, the clerk and chief executive of Mid and East Antrim Borough Council, and the mayor, Peter Johnston. I invite you to brief the Committee, after which members will ask questions.

Ms Anne Donaghy (Mid and East Antrim Borough Council): Thank you.

Councillor Peter Johnston (Mid and East Antrim Borough Council): Thank you very much, Chair and Committee members. We very much welcome the opportunity to provide a verbal account of the circumstances that led to a unanimous cross-party decision to temporarily withdraw our staff from the port of Larne, pending a formal written threat assessment by the PSNI.

As mayor, I am confident that, by the end of today's session, the Committee will have absolutely no doubt that the course of action taken by council was the only course of action that should have been taken. The one overriding and consistent theme underpinning the matter from start to finish is council's steadfast commitment to prioritising the safety of staff at all times.

I trust that the Committee will have conducted in-depth research and will be aware that council's requirement for the formal written threat assessment by the PSNI was not only a matter of good governance but a regulatory and legal obligation on council's part, as per the Health and Safety at Work (Northern Ireland) Order 1978. Council must also ensure that risks to staff have been identified, with preventative and protective arrangements put in place, as required by the Management of Health

and Safety at Work Regulations (Northern Ireland) 2000. Aside from those obligations, the safety and well-being of all staff are paramount for me as mayor, my elected colleagues across all parties and our chief executive, as responsible employers. We have an extremely low threshold for risk, when it comes to our staff. In all circumstances in which their safety is compromised in any way, we believe it prudent, as a responsible employer, to err on the side of caution, as, indeed, we did very clearly on this occasion.

With that in mind, I find it extremely disappointing that what was and always should be a matter exclusively focused on the safety of 12 young employees — one that warranted unanimous support across all parties — has, shamefully, been mistreated, manipulated and exploited as a political football by certain parties. Despite that, council stands firm over the actions taken to protect our employees. Given the same circumstances, we would take exactly the same course of action: adopting a "Safe, not sorry" approach. What is more, the same course of action was taken independently by DAERA and the EU inspectorate, both of which stood down their staff at the ports on 1 February. Further, on the weekend of 20 and 21 March, DAERA took measures to protect its staff at Belfast port that resulted in checks not being carried out for a period of around 24 hours. Without consultation, the Department for Communities later closed our port staff offices in Larne from Friday 9 April until Sunday 11 April, citing what it described as "civil disturbances". Thankfully, those disturbances did not occur, but the offices remained closed.

I would like to draw the Committee's attention to one other salient point. I trust that the Committee, having reviewed our written evidence in detail, will, like me, have been bitterly disappointed by the very apparent discrepancy and delay in the information provided by the PSNI. That was noted by Belfast City Council, DAERA and our council, and it was described by the Minister of Agriculture, Environment and Rural Affairs as "unacceptable" and a matter that made him "fundamentally unhappy".

Furthermore, temporary Assistant Chief Constable Singleton, in evidence to the Committee last Thursday, said that, to his knowledge, there had been no contact between Mid and East Antrim Borough Council and the PSNI between 21 January and 1 February. Completely contrary to that, however, you will find at appendix 13 of council's written evidence a detailed log of no fewer than eight engagements between council and the PSNI during that period.

I will now hand over to the council's chief executive, Ms Anne Donaghy OBE, to take us through a high-level summary of what is, I believe, the exceptionally thorough, detailed and, indeed, extremely compelling written evidence, which I hope the Committee has taken time to consider. Thank you very much.

Ms Donaghy: Thank you, mayor. As the mayor directed, I will now provide for the Committee a top-line summary of the wealth of information provided in our written evidence. It outlines a significant number of factors that ultimately led to the unanimous cross-party decision by Mid and East Antrim Borough Council to temporarily withdraw staff from Larne port, pending a formal written threat assessment by the Police Service of Northern Ireland.

I will take each factor in turn, the first of which is the appearance of multiple incidents of sinister and threatening graffiti from as early as mid-January. It included messages such as:

"All border post staff are targets"; "The Good Friday Agreement is over"; "It's time for war"; "All Irish Sea border staff are targets".

The last message was accompanied by a menacing cross-hairs target symbol. Whilst the first appearance of graffiti was deemed by the PSNI to be an isolated incident, multiple other incidents of threatening graffiti appeared to contradict that. Understandably, this was a cause of serious concern among our elected members and council officers, but, most importantly, it was distressing for council port staff because it was clearly visible to them when travelling to and from their place of work.

Secondly, in appendix 2, we highlight the heightened media coverage of the threatening graffiti and, more widely, of the rising tensions surrounding the border control posts (BCPs). That served only to heighten concerns among council staff and elected members.

Thirdly, at the Northern Ireland Affairs Committee on 27 January, PSNI Assistant Chief Constable McEwan confirmed:

"growing discontent ... within the Protestant, Unionist, loyalist community."

He said that that could later manifest in protests.

The fourth point is that a number of actions taken by DAERA also gave rise to concern, including the issuing of a memo to staff urging them to report suspicious activity after the appearance of the graffiti on 21 January saying:

"All border post staff are targets".

At a Society of Local Authority Chief Executives (SOLACE) meeting on 28 January, DAERA advised that the threatening graffiti was of concern to the Department and its staff. On the morning of Monday 1 February, DAERA informed staff that they did not have to travel to work in their own car if they did not feel comfortable, and it provided a bus for staff use.

The fifth point is that there was increasing information from political representatives, contacts at the grassroots and staff that suggested that tensions were rising. It included reports that Crimestoppers had been informed that a number of individuals at the port were being targeted; reports that a member of DAERA port staff had been followed home from her workplace and that sinister graffiti had subsequently appeared near her home; and reports that a perpetrator had links to organised crime gangs.

The sixth point is that there were reports from staff of intimidating behaviour at the ports, including an increase in the number of stationary and slowing vehicles observed at the port and the suspected recording of car number plate details. Video footage of cars taken at Larne port appeared on social media, and the Minister of Agriculture, Environment and Rural Affairs confirmed that he had also been informed of that by staff. With that in mind and considering the fact that there is only one way in and one way out of Larne port, the situation became increasingly concerning.

The seventh point is that written communication received by council from a major trade union on Monday 1 February outlined concerns for staff safety. The trade union requested that council revert to update it on how we planned to address "potentially very serious threats".

The eighth point is that there were mixed messages and a lack of reassurance from the local PSNI. All information received by council was reported to the local PSNI. The police were often guarded and offered little reassurance, which only added to the uncertainty.

The ninth point is that the increased presence of the PSNI at Larne port created concern among staff and elected members, since the PSNI obviously deemed there to be a credible enough threat to warrant that. The PSNI later confirmed that almost 2,500 standard hours and 391 overtime hours had been dedicated to an increased resource plan in the area.

The tenth point is the discovery that the PSNI had established a gold command structure, despite assuring us, as partners, that the threats were minimal. Furthermore, councils had not been informed of or invited to participate in those gold command meetings, despite being key stakeholders and a critical source of information and connection to local communities. Gold command met on 22 January, after the first incident of the threatening graffiti in Larne, but council was not aware of that structure until 1 February and attended its first meeting on 2 February.

The eleventh point is that it was the unanimous view of the group party leaders at a confidential meeting on Monday 1 February was that a precautionary "Safe, not sorry" approach should be taken by the council.

Finally, having discussed and debated all of the information for over 40 minutes in closed council, elected members agreed unanimously, with full support across all parties, including Alliance, Sinn Féin, TUV, DUP and UUP, that staff be temporarily withdrawn from Larne port, pending a formal written threat assessment by the Police Service of Northern Ireland. At the gold command meeting on Tuesday 2 February, the PSNI committed to delivering that formal written threat assessment later that afternoon and said that it was already in place. That did not happen. However, when raised by the partners at the gold command meeting on Wednesday 3 February, the PSNI confirmed that they were still working on it. In total, council had to ask for the written assurance on five separate occasions, two of which had to be escalated to the office of the Chief Constable, as we were keen to return our staff safely to the port of Larne as soon as possible.

I emphasise to the Committee that we have an overriding duty of care to our staff and their health and safety, which is paramount. There will be no compromise in any circumstance.

Councillor Johnston: Thank you, chief executive, and I thank you again for all of the hard work that has gone into preparing for today. In front of the Committee, I take the opportunity to acknowledge publicly the commitment that the chief executive has given to public service throughout the matter. Members of the Committee, there can be no question that the assimilation of this information, as outlined by the chief executive, undoubtedly served as very reasonable and compelling grounds for Mid and East Antrim Borough Council to take the course of action that we did. For that reason, as mayor, I wholeheartedly stand over the actions taken by council, in the sure knowledge that it was motivated exclusively by the safety and well-being of our staff. That is its number-one priority at all times, and that will always precede all other considerations.

The Chairperson (Mr McAleer): Thank you very much for that comprehensive account. A number of members have indicated that they want to ask questions.

Mr McGuigan: I thank Anne and the mayor for coming before us today and outlining their position. We are here to look at the decision to withdraw staff from the ports and to cease carrying out the checks required under the Ireland protocol. I thank you for the fulsome report. It certainly contains lots of interesting material.

Prior to the council decision on the withdrawal of staff that we are here to discuss, we learned from the DAERA permanent secretary last week that Mid and East Antrim Borough Council had written to the British Cabinet Office outlining that it had concerns about the implementation of the protocol. When was that letter sent?

Ms Donaghy: Thank you for your question, Philip, and I am happy to answer it. I listened intently, and the permanent secretary mentioned 1 February: I assume that that was the letter sent on 3 February.

From the point of view of clarification for the Committee, I emphasise that I wrote the letter to the Cabinet Office official in my role as a senior national representative of SOLACE. That role requires me to engage with a wide range of stakeholders across a national and international stage. As you probably know, SOLACE is a group of council chief executives from across the four regions of the UK. I am the Northern Ireland representative on that national panel. It is my duty to represent the chief executives in Northern Ireland as I am instructed and to update them regularly on any applicable and significant challenges that we have in Northern Ireland from a local government perspective. That letter is nothing to do with the decision that was made by Mid and East Antrim Borough Council and is outside of the inquiry. It is not relevant to our decision-making. Certainly, I am happy to share some of our key concerns, if that is helpful. I —.

Mr McGuigan: Sorry to interrupt you. I do not accept that the letter is not relevant. The permanent secretary said that he was copied into the letter. He said that it was written by Mid and East Antrim council or on behalf of it. You are now saying that that was not the case and it was written on behalf of SOLACE.

Ms Donaghy: That is correct.

Mr McGuigan: You signed the letter on behalf of SOLACE, identifying concerns about the Ireland protocol.

Ms Donaghy: I wrote the letter, yes, and the letter —.

Mr McGuigan: In my view, expressing concern about the Ireland protocol is political in nature. Did you have the agreement of SOLACE to write the letter, or did you write it off your own bat?

Ms Donaghy: The letter was confidential. In my role, as I have explained, as the SOLACE rep across the four regions, I wrote the letter. I am happy to give you a high-level view of some of the key concerns. On staff, we have 12 environmental health officers (EHOs): the Food Standards Agency (FSA) has said that we need 68. Now —.

Mr McGuigan: I do not mean to keep interrupting you. I will get to the other issues, but I want to get clarification on the letter first. There is a contention — I will get to this — that the decision to withdraw

staff was more to do with politics than levels of staff. I find it a bit disconcerting that a senior official, either on behalf of Mid and East Antrim Borough Council or on behalf of other senior officials, is writing letters to the British Cabinet Office expressing a view that, in my view, is political about its concerns about the Irish protocol. It would be very helpful for the inquiry and the Committee if we got sight of the letter. I would put in a request that we get sight of it.

I will move on. I will leave that point, which, in itself, is interesting.

Ms Donaghy: The letter is not relevant to our decisions, but, if you want to request the letter, you can do that through the formal channels, Philip.

Mr McGuigan: We will certainly do that.

The decision to withdraw staff was made on Monday 1 February. According to the very fulsome report provided to us, there was an awful lot of activity — indeed, an increased amount — including phone calls, urgent meetings, requests for meetings and meetings with SOLACE and DAERA, over the weekend prior to that Monday, on Saturday, Sunday and Monday. I note that your report says that you tried to contact the DAERA permanent secretary but did not have the correct number, so you contacted the Minister instead. Did you know that the Minister was going to step down the day after that conversation? Was it mentioned in your phone call with him? Was any pressure applied from the Minister to make a quick decision on the matter?

Ms Donaghy: Absolutely not. No.

Mr McGuigan: OK. Thank you.

The decision was made on the Monday, the day on which the Minister, who was about to hand over his position, made a similar decision. You had sought urgent information from the PSNI, and there was to be a meeting the following day with the PSNI. Why did you not wait to hear from the PSNI at the meeting on the next day? You are right, and the mayor is right: there were eight conversations, whether they were phone calls or meetings, with the PSNI in the lead-up to this. In every one of those conversations, the PSNI gave you its assessment. I just wonder why the decision was taken on the day that the Minister was going to resign, rather than waiting until the next day to allow council to hear another full report from the PSNI.

Ms Donaghy: I am happy to answer that, Philip. First, I stress, as highlighted in the mayor's verbal evidence, that the council is independent of DAERA. We did not find out that DAERA had stood down its staff until afterwards. We were in a council meeting when that happened, so we knew nothing about it. We heard it on the media. I am an accounting officer, and the accounting officer of a public body can take no risk with people's lives or their safety. Safety is paramount here. We have a duty under the Health and Safety at Work Act and under the Human Rights Act, article 2, which is the right to life. We have to make sure that we put in protective measures. If there were even 1% of a risk to any of our staff — bear in mind that there are 12 young environmental health officers who have just got their first professional job — or any threat to their lives, we would have to step in.

Mr McGuigan: Do you think that the police were prepared to take a risk? At all junctures, the police have said that the threat consisted of heightened activity on social media and graffiti. What jumps out at me from the report is that you, the mayor and senior staff of Mid and East Antrim Borough Council did not believe or trust the PSNI. Maybe you even thought that there was some conspiracy in the PSNI to keep information from you about staff being at risk. I cannot figure out why that would be the case.

Ms Donaghy: That is a pretty irrelevant point at this stage, Philip, in terms of answering the question. My duty as an accounting officer is to protect my staff, the mayor and the councillors. If there were an inquiry into someone getting hurt or whatever, a verbal assessment would absolutely not suffice for us. Every organisation is required to make its own assessment, and we had to satisfy ourselves, under our legal duty, that our staff were safe. We could do that only when we got a formal written threat assessment from the PSNI. I point out that that took four days. We had to wait for it. I had expected to get it in 12 hours or less. You can only base it on each organisation's risk assessment. Philip, every day of the week, I would rather sit in front of this Committee than in front a Committee after some of my staff had been hurt or worse because we did not take the right decision. Anyone who understands inquiries will know that a formal written threat assessment is the only piece of information that you need, especially as we are audited so much.

A lot can happen in 24 hours. We live in Northern Ireland, and, as you know, things can escalate quickly. I stand over the decision that we made. It was the right one, and I remind you again that it took four days for that written assessment to come.

Mr McGuigan: I think —.

Councillor Johnston: If you do not mind, I would like to add a bit to that, with your permission. It is important to note that, on the Monday, as a group, we were presented with lots of information. Let us be clear: this was a group decision that became a decision with cross-party support. On the day, we were presented with lots of information from various stakeholders. You are well aware that there was menacing and extremely sinister graffiti. We would not want any member of staff to have to look at that. Corroborating that, we had heightened tensions and the activity that we had witnessed on social media, and we then had a very concerning letter from the unions. As for the decision-making process — I am sure that you will understand and appreciate the position — had we been presented with that information and taken a decision contrary to the one that we took, it would be a much more concerning situation, and, as the chief executive rightly said, I would be less surprised to be in front of this Committee having to answer questions on why, as an organisation, we took the risk of keeping our staff in, pending —.

Mr McGuigan: I think that that is right. The way in which certain information is presented predetermines the outcome. People making the decision genuinely made a decision based on the information with which they were presented. Part of the reason for this inquiry is that we now know that the information was not always accurate.

We have had the trade unions before us, and they said that the information — the letter or email — sent to you was embellished and exaggerated. It was then presented to councillors. We are also aware of media reports of officials stating that the UDA or loyalist paramilitaries were behind it. Much of the information that was presented has been discredited; hence the need for the inquiry into the decisions made. For example, you said that a verbal assessment from the PSNI was not satisfactory, but what jumps out from your report is that you were putting greater store by the information provided — verbally, I assume — by political representatives or "representatives on the ground", a phrase that keeps jumping out. Mid and East Antrim Borough Council area covers two Westminster constituencies, and its MPs are Sammy Wilson and Ian Paisley. Sammy Wilson has been quoted as calling for "guerrilla warfare" in opposing the protocol and saying that it has to be destroyed. Ian Paisley has said publicly that the North was "screwed over" by the implementation of the protocol and that it was "bound to end in tears". I wonder whether those were two of the people from whom you were taking assessments on the ground. Was it from representatives of colleagues of the two people who were talking about guerrilla warfare and the need to destroy the protocol, who were, in fact, adding to the increased tensions? Who were the political representatives from whom you were hearing on the ground? Why were you prepared to take those verbal assessments, which, we now know, are discredited, and the information provided verbally over and above the information and facts that you were given by the PSNI?

Councillor Johnston: I am sorry, Philip, if at all possible, I would appreciate it if, before the chief answers, I could address a couple of questions that you mentioned. You said that the evidence was exaggerated on the day or, somehow, was embellished. With hindsight, I believe that the evidence that we were presented with on the day has almost vindicated our decision-making process. As time has gone on, we have been presented with more evidence. We had a limited amount of evidence on the day, but more and more has come to light.

The other thing that is worth noting for the Committee is that a lot of that evidence — you saw some of it — was very visible demonstrations saying that all border post staff or port staff were targets. That is extremely sinister. Philip, you rightly condemned, as did I and many others — I think that every political party in Mid and East Antrim condemned it — the same style of graffiti, with the cross hairs, that was put up against one of your colleagues in Ballymena. That is extremely disappointing, and we do not want that for any member of staff or any political representative. It is important in all this, Philip, that we take an impartial look when there is a threat to a staff member, be it painted on a wall or not. We have to take that extremely seriously.

Mr McGuigan: May I ask you and, through you, the chief executive a question, Peter? You mentioned my party colleague Ian Friary, who was the victim of threatening graffiti in the village of Ahoghill on 29 February. It mentioned his name beside the cross hairs. He was contacted that day by the PSNI to tell him of a threat. No council official ever contacted Ian Friary after that threat appeared. No council

official contacted him to ask him how he was or whether they could do anything for him. As far as I am aware, the council did not implement any kind of procedure to assess Councillor Ian Friary's safety, how he could carry out his business attending council meetings and how that might impact on council staff.

I agree with you about taking threats seriously, but that was a clear, identifiable threat and, as I said and will repeat, no council officer contacted the councillor in question to express concern, ask him how he was or carry out any kind of assessment. I am glad that you brought that up, because it allowed me to make that point.

Ms Donaghy: That is very much the role of the PSNI, Philip. I have welcomed those who have enquired about the safety of our staff at the port. I really appreciate the sentiments and the concerns raised by the Committee for the safety of our staff.

I have to bring you back, Philip. The decision was taken across the parties at the council meeting. There was a 40-minute debate in closed council. It was closed because members could ask what they wanted to ask. They took the "Safe, not sorry" approach until we got the formal written threat assessment. We have a duty to protect our staff, protect their right to life and make sure — it says it clearly in the legislation — that we proactively take actions to protect their lives and their safety. If one of those officers feels in any way unsafe, unhappy or uncomfortable, we are not doing our job. We have an extremely low threshold when it comes to the safety of our staff. We also have a responsibility to take positive action to ensure that officers are not compromised in any way. Safety will and should always come before any other consideration at all times. This council takes a zero-tolerance approach.

Mr McGuigan: This is my final question, Chair; thank you for allowing me a bit of latitude.

Nobody will disagree with any of those points about the safety of staff. My point is that, as an elected representative, I make a decision on the basis of the information provided to me and the way in which it is presented. I have read your report, and it is clear from my reading of it that you were putting more stock on the information being provided by representatives on the ground who, I assume, are unionist representatives and are politically motivated to see the ending of the protocol. In fact, you have now confirmed that you wrote a letter to the British Cabinet Office expressing political views and concerns about the protocol. If I, as an elected representative, was presented with information that the PSNI had been contacted eight times and had said that the threat level was low and was graffiti and social media activity, I would not be particularly concerned. If I am presented with information that the UDA is behind a threat, that number plates are being targeted and that the trade unions have expressed a serious concern — all of which we now know to be false — I will come up with a different answer. Given that we now know that the threat level to staff was low and that the information used to make the decision was embellished and exaggerated, as indicated by the trade union and others, do you feel that the result of you not accepting the facts of the PSNI assessment and pursuing alternative facts was an increase in tension and fear among staff and fed directly into the council decision on the withdrawal of staff?

Councillor Johnston: No. Sorry, I do not accept that, Philip. I want to make a couple of points. We have explained the rationale for our decision-making process. It is really important to say that, in all this, we had to act with the information that we had at hand. You were given the same answer by the permanent secretary of DAERA. I have to distance myself from the notion that we were just listening to unionist representatives about the concern: that was not the case.

I also want to make a point about the eight phone calls, because the story has changed slightly. In its evidence to you last week, the PSNI said that there was no communication: it has now been accepted that there was. I want to make sure that the Committee is not under the impression that the police were telling us in those eight phone calls that everything was rosy in the garden.

Ms Donaghy: Having been part of those phone calls, although not all of them, I assure you that no assurance was given to us until we went — the first verbal assurance that we got from the gold command was at the meeting on 2 February. You can imagine how shocked I was to hear at the SOLACE meeting on 1 February that there was a gold command. That gold command was set up by the PSNI after the first graffiti incident. There was a meeting on 22 January. We knew nothing about that. Hopefully, I have explained the rationale for how we took our decision. It was sound and within the law, and we stand over that.

Councillor Johnston: Absolutely.

The Chairperson (Mr McAleer): A few more members wish to ask a question. Others can come back in if they have any other questions.

Mr Blair: I thank the mayor and the chief executive for being with us and for the verbal and written information provided. I assure them that my party and I take the welfare of local government staff very seriously. We understand the level of assessment that you had to make. I extend my full support to the staff, especially at times of threats or difficulties.

I will take you back to the correspondence with the Cabinet Office. This question is for the chief executive, rather than the mayor. Will you confirm that you wrote to the Cabinet Office on 30 January 2021 on behalf of the council and that that was done by email and on council-headed paper and not on behalf of SOLACE?

Ms Donaghy: As I said, I wrote as a senior official of a national association of SOLACE. I will have to check. It may have been on council-headed paper. I cannot tell you off the top of my head, but I can confirm that. That is really what I would like to say. I cannot remember, John, to be honest.

Mr Blair: That is fully understandable about the detail, but that brings me directly to another question, because the correspondence is signed off, "Anne Donaghy, Clerk and Chief Executive", as I understand it. Separate to that and important in the interests of openness and transparency in this inquiry, if that letter was sent to the Cabinet Office and it has — I know that it has — a section entitled "Security", why was it not included in the 50-plus-page pack that you presented us with today?

Ms Donaghy: Thank you, John. I think that that is clear: the letter was not part of our consideration when we made the decision. It is a separate role. It was not considered. That role is to highlight and get some of the issues resolved. I would like to point out that I am the chair of the Northern Ireland/EU task and finish exit group. In my role, I have been working with the 11 councils. You will note from the evidence that I had five meetings under a lot of pressure in a short period — in six weeks, I think. That was to ensure that day-one readiness was smooth, and I am proud that local government, under my leadership, was able to ensure day-one readiness and a smooth transition to those borders. We now have a number of issues, which I am happy to share with you, in relation to the difficulties that we now face in the operational implementation of the protocol.

Mr Blair: Chief executive, may I point out to you that both you and the mayor made mention of something? You did so in a written report, if we assume that the 50-plus-page written report comes from you, as an official, and the mayor stated verbatim this morning that members of staff had unashamedly been:

"mistreated, manipulated and exploited as a political football".

On the business of a political football, can I point out to you, chief executive, that, in your letter to the Cabinet Office on 30 January, you said that you had been advised by your local MPs Ian Paisley and Sammy Wilson, both of whom are understandable, as they represent the area, and by Sir Jeffrey Donaldson, who does not represent the area? In that correspondence, you advised that you had been guided by three local MPs from one political party. Why, then, either as a chief executive or as chair of SOLACE, did you not, before corresponding with the Cabinet Office, try to seek the views of other political parties at MP level, their Brexit spokespersons or people who had been active in speaking about Brexit or the protocol? That was a one-party assessment. Do you agree?

Ms Donaghy: It will be no surprise to hear that my council area is predominantly unionist. I work with the posts, and the political persuasion —.

Mr Blair: *[Inaudible owing to poor sound quality]* Member of Parliament —.

Ms Donaghy: John, if I may finish. You asked a question, and it would be really nice if you could let me answer it. What I will say to you, John, is that it is irrelevant to me what party the MP represents. It is irrelevant to me what the mayor's party is. I have worked, over my 12 years as a chief executive, with a wide range of political representatives, I am apolitical in what I do, and I work to the Nolan principles. I will also tell you that, whether the mayor or an MP is from Sinn Féin, TUV or the DUP, I will work with that person. I work with the post, not the political party.

I had an open discussion on this with all the parties and the group party leaders and gave them all the information. Thirty-nine of the 40 elected members were in that chamber for 40 minutes, and they were able to ask whatever questions they liked of me. I have a very good relationship with all my elected members, and I am pleased about that. We work very well together in making decisions. As I said, the letter is a SOLACE letter, and it is not relevant to this inquiry in terms of Mid and East Antrim Borough Council's decision.

Mr Blair: Apologies, I did not mean to interrupt you. I was trying to bring us back to the point that an MP is mentioned who does not represent the area. I am not satisfied that that point has been addressed, but I am happy to move on to another question.

The letter also references emerging issues with cars and their registration numbers. The police have not substantiated that, so why was it put to the Cabinet Office on 30 January?

Councillor Johnston: John, I will take that question. It was referenced by your colleague Philip McGuigan. There has been a lot of talk about number plates. It is important to put that right. On the day, I remember that I associated the issue of the number plates to the trade unions mistakenly. I clarified that afterwards. We were given a lot of information on the day, and we had very short time frames to put together statements for decision-making.

We were made aware of the issue of number plates. In the evidence pack, you will see that images were put up on social media of cars that were being monitored at the port. That did not come from us. You mentioned that the police did not substantiate it, but it is in the report, and, with your permission, I would like to show you a quick clip. This was on the national news from general secretary of a union.

"People have had death threats against them, and there was information being gathered about them. Their number plates were being taken etc, which normally would indicate that they were being targeted for attack".

The picture we are trying to paint with that is that we were given lots of information. There is lots of widely available information. You are right in pointing it out: the police were not very forthcoming in supporting us, either in backing up this information or in putting it to bed. The national secretary of a large union was speaking in that clip, so it is important.

Ms Donaghy: I will build on that. Let me make this point: we heard from staff who were really concerned when they saw slowing vehicles. A member of staff pointed me to an anti-protocol website — there is a still from it in appendix 3, and I am happy to provide the full video — where vehicles are shown and recorded travelling in. That was extremely concerning.

That has happened again. I do not know whether you are aware of this, but, on the 21/22 March, port staff in Belfast experienced exactly the same thing as our staff experienced in Larne. People were recording from slowing and stationary vehicles. Video recordings and photographs were being taken. That was confirmed at a gold command meeting. That happened as well, and the difference is that a written threat assessment was already in place. Some of their inspections had to be stood down. I am aware that staff were asked whether they felt unsafe and were told, "You can go home or go into a compound".

It is also important, John, if you will allow me, to point out that Larne port is very different from Belfast port: there is only one way in and one way out. If somebody is monitoring a vehicle, there is one way in and one way out. At Belfast, there are multiple ones. The Belfast staff are in a secure compound, whereas my staff sit outside and do not enjoy the surroundings of the port. They are outside, in an office, with one security guard. They are 12 young people. You have to understand the seriousness of this from our point of view. We had multiple graffiti. The chief executive of Belfast port confirmed on 1 February, at the DAERA meeting, that the graffiti in Belfast was about political parties: the graffiti in Mid and East Antrim was about staff, and they had to drive past that day in and day out.

In addition to that, the tension emanated from Larne and has since gone to Belfast. We took down as much graffiti as we could. We went to the Department of Justice to get more money to take down more graffiti. We always try to get the graffiti down. We have tried our best, our utmost, to do what we can. I give you that assurance, John. It is a unique situation, and we are in uncharted waters. We have not done this before, but we have tried our best to make it work and to be smooth on it, and we are flagging up issues. If we had had the threat assessment within 24 hours, as we were promised, we would have had the staff back. Only two weeks ago, or maybe last week, the DFC closed the offices

that our staff were in, and our staff could not do their work for maybe 40 hours. Those are exactly the same circumstances, John —.

Mr Blair: I have read your report, and I know that it helpfully gives detail of what happened after 1 February and you have given information on the layout and geography of the site. I appreciate that.

I will finish on this, Chair. Chief executive, you put in writing to the Cabinet Office, either on behalf of the council or SOLACE or both:

"I am aware of the involvement of paramilitary groups and recent protests at Larne Port and have escalated this to senior PSNI and Executive Officials."

You then go on to say:

"cars exiting and entering the Port are being monitored and registrations collected."

You add:

"I now feel compelled to take measures to protect the health, safety and wellbeing of my staff."

I put it to you that there were not actually any protests that had been held by 30 January, and I put it to you that—.

Ms Donaghy: The first thing that I will say —.

Mr Blair: If I could just —.

Ms Donaghy: You will note that that letter was written in confidence. I am not sure where you got that letter, but I certainly did not provide it to you. I will come back to you privately about that.

In addition, I was made aware of the situation at a grassroots level and at a political level. I have a great respect for my elected members. They are absolutely fantastic. Each of my elected members is elected, and most of them live in the communities that they represent, so they hear things on the ground. I have been a chief executive for 12 and half years, John, and am one of the longest-serving. I know that, when an elected member tells you something, nine and a half times out of 10 or, more likely, 10 times out of 10, they are right and there is something in it. In my job, I could never ignore a word from anybody. I absolutely could not take that risk. At the time, when I said that about paramilitaries, that is what I was told. I asked for confirmation from the PSNI. It took them four days to confirm, but, the minute I got the risk assessment, that was put straight back.

That is all I can tell you. As I said, I will come back to you privately about that. Thank you.

Mr Blair: OK. Thank you. Again, maybe you can clarify this question later, but I am still keen to know why that correspondence was not included in the pack of information for us in the interests of transparency.

Ms Donaghy: I will repeat this once again for you: it was nothing to do with the decision-making process. The scope of the terms of reference of the Committee inquiry was "What were the events that led you to the decision?". It was not in that consideration.

The Chairperson (Mr McAleer): OK, thank you, John. Patsy?

Mr McGlone: I thank both the mayor and chief executive for attending today. For me, some of the stuff has raised more questions than it has given answers, particularly in regard to the letter.

I will clarify for you, Anne, that it is for the Committee to determine what is relevant evidence. From what I have heard about that letter and, indeed, the stuff that you included in it and conveyed to the Cabinet Office without having received the police risk assessment leads me to believe that we should have sight of the letter.

Did you write that letter on behalf of SOLACE, which covers all the chief executives in Northern Ireland?

Ms Donaghy: I have clarified that on a number of occasions to the Committee today. I disagree with you: we have come here to give an account of how we came to the decision. I have answered that. You have 57 pages of what we considered when making that decision. The mayor may want to comment, but the letter was not part of the consideration. I believe that I have clearly answered exactly what I was asked by the Committee

Councillor Johnston: For complete clarity, if I may, Patsy, on the day, when we were presented with the evidence, that letter certainly had nothing to do with our decision; in fact, it was not even mentioned. As far as I am aware — the chief can clarify this — it was not even sent until 3 February, which was after the fact.

The frustration for me, if I may say this, Patsy, is that the inquiry and the line of questioning, which is disappointing me, have turned into some sort of political circus, for want of a better word. The thing that I really want to get back to and to reiterate is that the decision-making process on removing the staff was non-political and was purely based on the health and safety of our staff. I cannot stress that point enough.

Mr McGlone: Absolutely, Peter, and I agree 100% with you. Can I assure you of one thing? All I want to establish are the facts on the decision-making process and whether the facts involved information that Anne had, which she previously put in a letter that was sent to the Cabinet Office on behalf of SOLACE. There are a number of other local government bodies in SOLACE, and, clearly, they would want to be consulted if the letter was written on their behalf. That has not been clarified to me either. Nevertheless, it will be for the Committee to establish that, Anne, and it is within the Committee's remit to do that. That is our decision and not anyone else's.

Ms Donaghy: Patsy, I would just say that you have a very thorough, 57-page document about how we came to the decision. Everything that we considered as part of our decision-making is in that. I will say it once again: there are so many other questions that we can answer about the 57 pages, and I can see that the Committee really wants to talk about the letter, but it is not pertinent to the inquiry.

Mr McGlone: Sorry, Anne, with the greatest respect, I have not seen the letter, so I cannot determine whether it is relevant or pertinent. I cannot make that presumption without seeing it. It is back to that point about things being based on evidence and facts. That is all I want to determine.

You referred in your initial presentation to reports of elements linked to a criminal gang or gangs. Who were those reports from and who were they to?

Ms Donaghy: I will draw you back to the evidence. It says clearly there that there was political, grassroots-level information that referred to an individual who had been linked to drugs and criminal activity. That was reported to the police, and I assume that they have included that as part of their assessment. That information came through to me, and I reported it to the police, which you would expect me to do.

Mr McGlone: That is what Denis McMahon said. I am getting to that point. A formal report was made to the PSNI by you about a potential risk from someone associated with drugs/a criminal gang. You will have heard that ACC Singleton said that no report or complaint had been received by the PSNI from or on behalf of Mid and East Antrim Borough Council. It is confirmed that that complaint was made: you have said clearly and clarified to us here today that that complaint was made to the PSNI.

Ms Donaghy: Yes. I made that complaint to the PSNI over the weekend of 30 to 31 January. You will see that eight phone calls were made as well, and I can give you a log of all the calls. I find it strange because, as the mayor pointed out, temporary ACC Singleton was not involved in any of this. I know that he gave the evidence, but I can tell you that he was not the ACC who was involved during the period that we are talking about. Regarding the evidence, I note that he said "To the best of my knowledge" and "As far as I know". You have to remember that, from our point of view — we all know this — Northern Ireland is in a very fluid position, and so much is happening. For us, once again, the safety of the staff is hugely important. We have duties under the Health and Safety at Work (Northern Ireland) Order 1978 and the Human Rights Act 1998. You would be enquiring of me and of the mayor had we not taken action. I recall the permanent secretary saying that, when you get information, you have a decision to make: I agree. You make the decision either to go ahead and put people at risk or to protect them until you get the documentation and the assurance that you need. That is what we did, and, if we had to do it again, given the same circumstances, we would do exactly the same.

I will pass to the mayor on that.

Councillor Johnston: I just want to reiterate that. The other thing that I would point to is that you were also told at the Committee that there were no communications between the PSNI and Mid and East Antrim Borough Council, but we are now been able to say that there were. I am not jumping to any conclusions on that; I am just telling you the facts. Patsy, you rightly said that the Committee is here to hear and to establish the facts. Those are the facts of the matter.

The other fact that we need to consider very strongly is that it took four days for the threat assessment to come back from the police. One of the things that slightly alarmed me in last week's evidence session was when he said — I wrote the words down — that they had not started producing the threat assessment until the Thursday. If I remember correctly, he said that it was sent three hours later. That rang alarm bells. It was extremely concerning, given the concern and apprehension that we were showing as a council and the number of times that the chief executive and her team had been calling to get an update on the threat assessment — even then, we had to chase the Chief Constable's office for it — to be told that the threat assessment had not started to be produced until the Thursday.

I do not know what you can draw from that; that is for the Committee to decide. However, personally speaking, I was really disappointed to hear that.

Mr McGlone: I want to raise two things, just for complete clarity. My question to ACC Singleton was not about communication with the council. I note that you have drawn that very strong distinction. It is very clear that there was communication with the council. Whatever about other queries to ACC Singleton, my question was whether a complaint had been made to the PSNI for investigation.

Anne, you have very clearly confirmed that, and I am sure that you can corroborate it with telephone logs or emails or whatever. I was listening carefully to what you were saying about your obligations to see things through. Mr Ellison from Unite referred to an email, and, Peter, you have apologised for the issues around the misinterpretation of that in the council, and I appreciate you doing that. However, he mentioned the email that was sent to a Mr Richard Cromie, your head of HR.

Ms Donaghy: That is right.

Mr McGlone: You have the text of the email there. It talks about the Brexit NI protocol, staff apparently being threatened via graffiti and, particularly, other methods for carrying out their role. I asked him whether anyone from the council rang him or his senior officer to establish what those "other methods" were. There was quite a bit of communication by email. There was no communication by email, there were no phone calls, and there was no referral to the PSNI to follow that up, which, I would have anticipated, should have happened if there were other methods. That would be a red flag to me. That was not done: is there any explanation of why that was not done?

Councillor Johnston: May I come in on that, Patsy? It is worth saying that we have a very strong and positive relationship with our unions, which goes back a long while. Following this incident, we had a very productive and positive meeting with union reps to discuss it. That is really important, because, when we received that email — it is a testament to the chief executive and her team — we did not start to ask questions, challenge them and say, "What do you mean by 'serious threats'?" That is a big allegation. When they mention in the email, "potentially serious threats", that is serious. As the chief executive has built a relationship and a trust with the unions, we were able to take that at face value, which was the right thing to do.

Ms Donaghy: Patsy, this was a day of full council, and things were moving very fast. This was all happening on 1 February. I attended a number of meetings and took a number of telephone calls. We have been speaking with the unions since, but we had enough information from the unions, our staff and grassroots level to know that there was a concern. At the end of the day, the graffiti alone — I hope that that clarifies it for you.

Mr McGlone: Actually, it does not.

Ms Donaghy: OK.

Mr McGlone: It does not tell me about other methods. Those other methods could have been much more sinister and potentially much more dangerous. Had such risks and threats been flagged to me, I would have referred them to the PSNI. On the basis of that email, was a referral made to the PSNI?

Councillor Johnston: Patsy, I am sure that you will accept that, when we receive an email like that, it is a matter for the PSNI to determine how serious those threats are, and it is important for us, as a public organisation and as an employer, to act to protect the safety our staff and to ensure that there is no risk. Of course, when we received that information, as we did from a number of stakeholders on the day, that formed part of our decision-making process.

Mr McGlone: I am trying to establish that, where there are potential sources of evidence or leads, those need to be referred to the PSNI for follow-up.

Ms Donaghy: We considered and communicated with the trade unions. The trade unions have a duty to their members to report matters to the PSNI if they feel that they are serious enough. It is not just up to one organisation. We reported everything that we got, to the best of our ability, to the PSNI. I cannot tell you off the top of my head, but I will confirm that with you, Patsy.

Councillor Johnston: Ultimately, Patsy, I suggest that, if it was the author of the email who used the words "potentially serious threats", there is an onus on that individual to report that to the police.

Ms Donaghy: Absolutely.

Mr McGlone: The employer also has a duty of care when that is relayed to them. We have heard about your duty of care to staff, and I appreciate that you are trying your best for your staff in what you referred to as a "very fluid situation".

Ms Donaghy: Patsy, hopefully, you will see in the decision-making process that we have provided to you in writing and verbally today that we fully fulfilled our duty of care to our staff. We are very proud of that.

Mr McGlone: I am sure that you are. All I am trying to do is establish the factual process in circumstances where an email that referred to "other methods" was passed on to a senior member of your staff. You said that the issue was referred to the police: all I am trying to establish is whether all the potential leads and all the elements of evidential pursuit that could have been followed by the PSNI were fully pursued. You said, Anne, that you would come back to the Committee and confirm whether that was done. I appreciate that.

Ms Donaghy: I will write to the Chair and let him know.

Mr Harvey: Mayor Johnston and chief executive Donaghy, thanks for taking part today and being present. I appreciate it.

Placed in the same position again, would you do things differently? Can you assure your staff and employees that their safety will always be put first?

Councillor Johnston: That is a good question, Harry, and I thank you for it. Underneath all this, we have 12 members of staff who have been seriously emotionally traumatised by the ordeal. It is really important, first and foremost, that, as an employer, we act in their health and safety interests and, secondly, that we take very seriously their mental welfare. To be fair to the chief executive, the council has been very strong on that.

It is worth noting that, throughout all of this, the entire organisation, not just the 12 environmental health officers affected, was looking to us and our chief executive for leadership. What I am getting to is that, were we in the same situation again, presented with the same facts on the day, we would absolutely make that decision again. It was the right decision. As mentioned in my report, we took a "Safe, not sorry" approach. Thirdly, we need to give staff the utmost confidence that we have their best interests and safety at heart.

Ms Donaghy: I will add to that, Harry. We have a fantastic staff. We are an award-winning council. The performance in the council is so high, and our staff are the reason for that. The reason why they are so motivated and go the extra mile every time is that they know that we have their backs. We will

always take their health, safety and well-being seriously. We are one of the leading councils in well-being programmes. A council's biggest asset is its staff, and we really appreciate having a brilliant staff. Our elected members continually thank the staff for what they do, because they are so good.

Mr Harvey: That is OK. Thank you.

Would you say that communication from the PSNI was slow in coming and therefore you had to act quickly? As in all situations of this nature, if there is any risk at all, you must take immediate action to protect your team.

Councillor Johnston: I would even say that "slow in coming" is a slight understatement, unfortunately, in this circumstance. As you have seen in the correspondence, Harry, it almost took the chief executive to chase to the Chief Constable's office with a begging bowl to get the threat assessment. To me, that is what is contrary about the whole thing. On the one hand, we are given the impression that, "There is no threat. Everything is fine. There is no issue". On the other, as I was asked many times by journalists when I was at the port, there were almost circa 3,000 additional police hours put down to the port. There was a huge increase in police presence. We even had armed response units there. We had police checks in and out of the port. I was talking to some residents of Larne, and they said they had not seen as much police presence in the days of the Troubles.

My point is that that just does not balance the scales. On the one hand, we hear, "No threat"; on the other, there is all this increased activity, corroborated by all the sinister graffiti and the tensions in the community that your colleague Philip McGuigan mentioned. There was all this together, but, on the face of it, the PSNI said that there was no threat. That is why, as an organisation, we had to act quickly and take the decision fast. There are still questions to be answered as to why it took so long for the threat assessment to come back. I would also like clarification of why the threat assessment did not start to be produced until Thursday.

Mr Harvey: Thank you, Mayor Johnston, and chief executive Donaghy. I am satisfied with your actions, I thank you for them, and I am reassured that you would take them again. We needed to instil confidence in your staff, and that is good. Thank you very much.

Councillor Johnston: Thank you for that validation.

Mrs Barton: Thank you, Mayor Johnston and chief executive Donaghy, for what you have said so far. My question is in relation to the gold command. You described the increased activity by the PSNI around the port. You are one of the main stakeholders in the port, as you have members of staff there. Why did the PSNI exclude you from the gold command body?

Councillor Johnston: That is a good question.

Ms Donaghy: Rosemary, that is an excellent question. You will have to ask the PSNI. I was extremely shocked that there was a gold command, as was my colleague chief executive. Elected members know the community. They have great information, they understand, and they are connected, so it would make sense. There was a meeting on 22 January, after the incident of 21 January, and we were not told about it. We had a policing and community safety partnership (PCSP) meeting after that, and it was never said that there was a gold command. We should have been included, and that has created a lot of suspicion and tension about what was going on. Why were we not included?

Mrs Barton: I can understand that. You have 12 staff in Larne port. Did you say that you need 40-something?

Ms Donaghy: We have been informed by the Food Standards Agency that we will need 72 staff to carry out the full inspection regime. We need 56 staff. That is one of the concerns that we have raised to the high levels of the Cabinet Office. We have said that we need to know where we are going to get the staff, and we have asked for £4.8 million to fund that. At a recent council meeting, the mayor pointed out that, if Mid and East Antrim Borough Council is left with that bill, it will be 10% of its rates, so of course we are worried. At the minute, the 12 environmental health officers are doing 30% documentation checks, which have been continued, and a few identity checks. We are not doing physical checks at the minute. To carry out the full regime, the Food Standards Agency has said, we will need 68 EHOs. There will not be 68 EHOs available in Northern Ireland. Belfast will also be looking for some. It is concerning; it is keeping us up at night.

Mrs Barton: You have said that you will need more staff. Will the events of the past have an impact on your attempts to recruit staff?

Ms Donaghy: As, I think, Dr Huey said last week, working and carrying out enforcement at a border control post is never the most attractive job. All this tension will, without doubt, make it harder for me to recruit. The posts are 24/7. The people are working 12-hour shifts — sometimes in the middle of the night, obviously. They could be vulnerable. It is an added burden on safety and security that we must take account of. There is also the added issue of the charging. The Northern Ireland protocol states that we must charge. We have no idea who will do the charging or how much it will be. There is no IT system, and there has been no conversation about that. I feel justified in highlighting those issues, and was my duty. They are serious, long-term issues for Northern Ireland plc.

Mr Irwin: I thank the mayor and the chief executive for their detailed presentation. I am disappointed that we are here. I did not support the inquiry, because I thought that it was a waste of time. The Committee has more valuable things to do. There are many issues testing our agriculture sector while we are haranguing a chief executive and a mayor about a sensible decision that was taken for the safety of their staff. That is wrong. It is a witch-hunt led by a party that was the political wing of a paramilitary organisation that brought havoc, destruction and death to Northern Ireland for many years. I am also disappointed that the first person to ask questions today got half an hour. The Committee needs to look at that. It is ridiculous that one member had half an hour to ask questions.

The chief executive and the mayor mentioned reports and threats on social media. Can you expand a bit on that?

Councillor Johnston: Thank you for your question. You are right on your earlier points: we were very disappointed and, ultimately, felt that our decision to remove staff and our actions to protect the health and safety of our staff was disrespected. We now know that the Department for Communities closed down its offices, the EU inspectorate pulled out staff, DAERA pulled out staff, and Belfast port had staff removed, yet none of those bodies has had to face an inquiry. The point that you made, William, is right: this has taken up a lot of your and your Committee's precious time. It has also meant that I and, more so, the chief executive have had to combine all this information. You will have seen that it is a lengthy, 57-page document. For me, it is case closed on our decision-making, and it is disappointing, particularly given the time that we are in and the challenges that we have at the minute in Northern Ireland, that our chief executive, your Committee and I, as mayor, have been pulled into going back over a decision that was taken to protect our staff. That is disappointing.

As I mentioned in my opening statement, our staff have been turned into a political football that was kicked back and forward. I regret to say it, but it has also been used as a political football in the Committee, which is disappointing, because, ultimately, at the bottom of this, we have 12 EHOs who are extremely concerned for their safety. In the evidence sessions last week, we heard from the Chief Veterinary Officer (CVO), the permanent secretary of DAERA and even from the PSNI that there was genuine concern, even among staff who were not EHOs, at the time in the port. They were genuinely concerned for their safety, and that is an unfortunate position to be in. As a council, we have to protect our staff, as does any organisation or any business. As the chief executive rightly said, your staff are your number-one asset, and we had to act.

You asked about social media. As we have demonstrated in the evidence pack, that was one of the factors considered. Take the menacing graffiti. If someone had spray-painted outside a bakery that the staff were targets but the owner of the bakery did not pull staff out of work, I would ask serious questions. We also had the concerning letter from the union that talked about potentially serious threats. We also had the information about staff number plates being taken, and that was presented on social media. We had rising tension in the community, as Philip McGuigan said, and we had on social media — on various sites and websites — people talking the threat up, so we had to act and had to take that seriously.

I feel semi-vindicated coming to the Committee, because, as the chief executive said, I would be more concerned about coming to the Committee, as mayor or as anyone with a connection to the council, had we not taken that decision on the day and having to answer questions about why we did not take staff out, given all the information that we had.

Ms Donaghy: William, thanks for your question. There were so many aspects to think about regarding Larne and Belfast ports. They cannot be compared; they are completely different. They have different

hinterlands and completely different geography, and they have a different type of building. All of that was in the mix.

Mr Irwin: Considering the information that you have given us, any reasonable person will accept that it was a wise and sensible decision for the safety of your staff. Thank you.

The Chairperson (Mr McAleer): Before we move on, I must say that this should not be seen as a witch-hunt. It was the view of the majority of the Committee to look into the incident, which is of major public interest. I have given everybody a chance to have their say; I am trying not to curtail any member

Mr Irwin: You gave half an hour to one member.

The Chairperson (Mr McAleer): This is of major public interest. I never curtailed you. I have not curtailed anybody today.

Last week, the PSNI ACC told us that the threats were unsubstantiated and uncorroborated, and he confirmed that there was no paramilitary involvement on 2 February. It is fair to say that, seemingly, with the letter to the Cabinet Office, politics came into the issue from Mid and East Antrim Borough Council, as far as many people can see. That contributed to increasing the tensions. It is only right and fair that we, as a Committee, look into this, having made that decision, and I do not want it to be seen as a witch-hunt.

Mr M Bradley: I am having a wee bit of difficulty finding my buttons. Please, do not push them.

Good morning, mayor and chief executive. Thank you for your answers in what I thought was a bit of a forensic questioning session. I have no intention of dragging this into the political realm.

I have a couple of points. Last week, as someone who was in the thick of a no-warning bomb in Coleraine, I said that the entire period of my work had been at the height of terrorism in this country. I take any threat seriously, whether verbal, written, through social media or otherwise. For the health and safety of staff, your decision was of paramount importance. In my opinion, you made the correct decision and could have made no other. We are discussing a situation with the benefit of hindsight.

What knowledge did either of you have of a newspaper report that a Larne port worker and their family had to be relocated to a safe and secure location after a loyalist paramilitary threat? The report suggested that the member of staff was a customs officer. It also stated that the customs officer reported the threat to the PSNI, who found it to be credible. It went on to suggest that the Secretary of State, Brandon Lewis, and the Home Secretary, Priti Patel, were informed. When I put that to the PSNI ACC last week, he informed me that the newspaper reports were incorrect. What is your knowledge of that threat and relocation? Is there any credibility to it, or is it, as the ACC said, a newspaper report not to be believed?

Councillor Johnston: Thank you for your question. I was made aware of that incident, and I am aware of the event. I listened to the response from the PSNI. I thought that it very well prepared. First, he said that it is well within the PSNI's remit for it not to speak about current or ongoing investigations, and that is correct. He also answered the question quite carefully. He mentioned that he was not aware of any member of Larne port staff being threatened. To me, that sounds quite carefully answered. I was made aware that the individual was a border post worker, who worked between the three ports. I certainly do not want to put any words into his mouth, but I was made aware that a Border Force worker — this is the bit that concerned me when I was made aware of the information — had in fact been working in Larne port during the week in which we took our staff out.

I will raise a couple of points, Maurice, about that. The first is that if any worker, whether based across the three ports or not, was working in Larne port in the week that our staff had come out, why was our council or chief executive not made aware of that fact?

My second point is to do with the slight inconsistency in the PSNI's approach more generally. When the Chief Constable came into post, his mantra, almost, was "community policing". We all know that at the heart of community policing is trust and relationship. Surely, in this instance, if a member of our Civil Service was put out of his home — from my information, the threat was delivered to the individual by the PSNI — how can we sit here talking about trust and relationship in community policing, when

we were not even told about that, and we had 12 EHOs who had been pulled out of work for their safety?

Ms Donaghy: Let me add this, Maurice: council staff raised the issue of concern, and our director contacted PSNI gold command on 25 February to ask whether the allegation about that member of port staff, believed to be a border control officer working across the three ports, being under threat was true and whether the individual had had to move home whilst working in Belfast port. We have never received a response to that email.

In addition, I was contacted by a high-level, successful journalist, who asked about our information around that. I contacted gold command on 19 March to say that a journalist had asked the question. It took 10 days for my email to be answered, neither to confirm nor deny that those events had happened. That is as much as I know about that. You would need to ask the PSNI, but we communicated with it about the allegation on two occasions.

Councillor Johnston: To add to that, chief, I personally feel that we have been badly let down by the PSNI throughout this whole episode. I do not say those words lightly. It is a big statement for anyone to make, but, given the severity of the situation, and how serious it is, the level of communication and the lack of transparency have been truly disappointing.

Mr M Bradley: I intend to write to the PSNI to seek the answer, but I need to be careful how I word my request so that I get an answer to the actual question and not a by-product of another question.

I find it incredible that the PSNI would set up a gold command and not include the council at officer level on it. It would have valuable information that could be fed into gold command from elected representatives on the council. I suggest that your council follow up on this failure, because it is a failure. The PSNI needs to understand that it needs to be in contact with elected representatives, from whatever party, when it sets up a gold command. Elected representatives could feed in valuable information.

Councillor Johnston: Absolutely.

Mr M Bradley: Let me go on the record as saying that the safety of staff, in any circumstances, is paramount. The council made the correct decision, based on the time frame and information available. I want you to take back to your council and staff that their safety is at the forefront for the members of this Committee.

Ms Donaghy: Thank you.

Mr M Bradley: Despite the questioning, through which we are trying to find out the reason for something happening, their safety is and will always be our concern. Thank you very much for your presentation this morning.

Ms Donaghy: Thank you for your concern, which we will pass on. That is very kind. The staff and elected members will be really pleased to hear that. Thank you, Maurice.

Ms Bailey: Thank you, Ms Donaghy and Mayor Johnston, for taking time out of your busy schedules to be with us today. You showed a clip of Patrick Mulholland, the deputy general secretary of NIPSA, in which he gives a statement to the media. Did you speak to Patrick Mulholland before he gave that statement?

Councillor Johnston: I certainly did not speak to him, no.

Ms Donaghy: Neither did I.

Ms Bailey: Trade unions have been in to speak to us, and I have read their statements to the media as well. Trade unions have called into question what was put out in the media about what they said. I am reading a media report, in which the council stated:

"Trade unions on behalf of Council members of staff assisting with checks at the Port have raised serious concerns around the safety of staff and have sought reassurance on what measures are in place to keep staff safe."

We have heard from the trade unions and from other media outlets. Alan Law, trade union side (TUS) secretary, put out a statement on behalf of NIPSA, GMB and Unite demanding that the council withdraw the trade union remarks and asking the local government authority to clarify which trade union made the claim. Has that happened?

Councillor Johnston: Yes. I clarified that quite a few times. Thanks for your question Clare. I will give a bit of background. We had the group party leaders meeting, which I sat in on in the afternoon, at which we discussed the issue and the information that was presented to us. I then took the decision to put it on the agenda as an item of priority for the council meeting that night, because I thought that it was important, and I am sure that the Committee agrees. I had a statement that we had prepared following the decision to take the staff out. I gave a statement at the council meeting to clarify the council's position. It does, unfortunately, boil down to a couple of words, but, from that statement, it could have been misinterpreted that I was trying to imply that the trade unions had told us about the taking of number plates.

I was more than happy to clarify that position, and I did so on national radio and the news. I issued a couple of statements for the avoidance of doubt and to ensure that the issue of number plates was separated from the trade unions. We had a follow-up meeting with them after that, and it was very positive. I spoke with Alan Law as well and clarified the point again.

I want to make the point that that did not take away from the fact that, when we made the decision, we still had a letter from the unions that was extremely concerning, in my opinion and certainly in the council's opinion. They raised potential serious threats. As has been mentioned, we have a very positive relationship with our unions, and the right thing for us to do on the day was to trust the words that were given to us and to take the unions at face value. I am sure that the chief executive will agree that, ultimately, the council and the trade unions harmonise in our desire for staff safety and well-being.

Ms Bailey: Thank you very much. You said that you have good, strong relations with the unions, and that is brilliant to hear. I am a big supporter of trade unions. Are there ongoing communications between you and the unions? If so, is it a constant conversation?

Ms Donaghy: We have regular meetings with the trade unions, Clare, and we have had quite a number of agreements with them on the well-being of our staff. Hopefully, we are now at the stage of having a final ballot on our unified terms and conditions, for which I have to commend the trade unions. We have worked very hard from the management and trade union sides. It is a really big achievement, and hopefully we will be announcing a positive outcome in the next number of weeks and months.

Trade unions have therefore worked well with us. We have a great respect for each other. When the issue was raised, the mayor and I took time out to meet representatives from the three major trade unions. We talked it out with them and got a resolution, because we all have to work together to ensure the best deals and opportunities for our staff. That work continues and will continue, Clare.

Ms Bailey: How are things for staff now?

Ms Donaghy: Thank you for asking, Clare. Things are settled. We keep our risk assessment under continuous review, however. It is a live document, and we keep examining it. We are aware that the Department for Communities' decision last week to close the offices did upset them a little bit, but we spend a lot of time with all our staff, and communicating with them is a real focus. I have to commend the director and the senior officer, Elaine, who oversees them. She is a fantastic, experienced officer. The staff are good. My big concern now is from where to find 56 other EHOs.

Ms Bailey: That is what I was thinking. Have any further sinister graffiti appeared since all of this has happened?

Ms Donaghy: I am not able to give the total figure, but there have been over 80 pieces of graffiti. There has been some other sinister graffiti. You can read in the written document that a couple of contractors were spoken to by whomever, who said, "We don't want you to do this work". Little things have continued, but it has settled down now, which we are really pleased about. We continue to put anything that happens straight to gold command and to the police. In fairness to the police, now that we are sorted out, they regularly email us to say that there is no change to the threat assessment.

That is very reassuring for the council, the staff and me. We continue to review our risk assessment weekly.

Ms Bailey: There have been no further reports of staff number plates being taken either.

Ms Donaghy: Other than the incident in Belfast on 21 March and 22 March that I mentioned earlier, no. There was that incident, yes.

Ms Bailey: That is really good to hear, particularly in the light of the escalation of violence right across Northern Ireland in recent weeks and of your expressed concerns, Ms Donaghy, about how all of this might impact on the future recruitment of urgently needed new staff.

I am thinking about the numbers of staff that you currently have, the numbers that you need and how the current staff are overworked. Have you done any risk assessment or health and safety check of their current conditions?

Ms Donaghy: That is a really good question. I first wrote to the Minister in December, because the temporary facilities that we were promised on 1 January were not going to be ready, and I wanted to make sure that they were going to be adequate and that staff were going to be in a suitable environment. We offered them the town hall, but eventually they agreed to use DFC offices. We are disappointed that, as Dr Huey said in his most recent evidence to the Committee, construction of a permanent building has been pushed out until 2023.

We do carry out continuous assessments. Our staff are not overworked, but they are at full capacity. I remind you that we are doing only 30% of the documentation checks at the minute and then some identification checks. When we have to take on more inspections, as we are told that we will have to, plus physical checks, the 12 EHOs will not be able to do that.

Ms Bailey: The Committee is well aware of that, because we get regular updates from officials and written briefings from the Department. My concern is around the impact on staff at the moment. We know exactly what is needed and how quickly it is needed.

Ms Donaghy: Thank you for your concern, Clare.

The Chairperson (Mr McAleer): Philip, do you want to come in very briefly?

Mr McGuigan: I have two small points to make, for which a yes or no answer will suffice. The mayor interjected when John was questioning the chief executive about the SOLACE letter. The mayor seemed to indicate that he was aware of it but said that it was not relevant, which is why it was not provided. May I ask the mayor whether he has had sight of the confidential letter that the chief executive said that she wrote on behalf of SOLACE?

Councillor Johnston: With respect, again, the point that I was making when John asked the question is that the letter that you are talking about had no bearing on and absolutely no implications for the decision-making process. That is what we are trying to reiterate to the Committee. We would not want the Committee to feel that, somehow, there is this letter in the background and that this was all intertwined. It certainly was not, and I really wanted to make that point clear.

Mr McGuigan: OK. You have made that point, and the chief executive has made it. I am just asking this question: have you seen that letter?

Councillor Johnston: When I was answering John's question, it was important that I made clear to the Committee that, when we were making the decision, the letter did not come into account. The answer to your question is no. I had not seen the letter, nor had any of the other party group leaders or the council. First, our understanding of —.

Mr McGuigan: Have you seen the letter now?

Councillor Johnston: Our understanding now is that the letter was written on 3 February, and the decision was taken on 1 February. The point is that it would have been impossible, in that instance, for

the letter to have been included. Secondly, that letter would not have had any bearing on our decision-making process anyway.

Mr McGuigan: Can you clarify whether you have seen the letter now?

Councillor Johnston: No, and —.

Mr McGuigan: How therefore do you know that it has had no bearing? You were not aware of the letter until today, yet you know that it has had no bearing. I am just making that point. We are going to see the letter.

I have one final point to make, because I do not want to be accused of hogging the meeting. A lot has been made today by you about your dissatisfaction with the information being provided by the PSNI. Will you confirm that, when the threat assessment was given to Mid and East Antrim Council, the staff returned to work?

Councillor Johnston: Yes. Within *[Inaudible owing to poor sound quality.]*

Mr McGuigan: OK. We have not seen it but, obviously, it contained information that was no different from that which the police were telling you, and the staff returned to work.

Councillor Johnston: I have not personally seen the written threat assessment, but the important point to make is that we did not act until that had been received.

Mr McGuigan: The council asked for a threat assessment, and you, as mayor, have not even seen it, yet you made a decision that you said you could not make on the basis of verbal —.

Ms Donaghy: Perhaps I can clarify that for you, Philip. The written threat assessment from the PSNI was a restricted document, so I was duty-bound not to share it. I would never share a restricted document with a political representative *[Inaudible owing to poor sound quality.]*

Mr McGuigan: For clarification, then, full council is required to make a decision to withdraw staff, but the chief executive can make the decision for them to return without involving full council being required.

Councillor Johnston: Absolutely. There is a very distinct difference there, and it is important that we recognise that. The difference between stopping a service and starting it again is very different. When we removed staff, I took the decision to put it on the council's agenda, because, first, it was of grave concern that the information that we had was that there were sinister threats against our staff and, secondly, it was clear, during those discussions, that we would be asking for a written threat assessment from the PSNI and would return the staff to work when we received it.

The chief executive is also the chief of staff. In his evidence session last week, the DAERA permanent secretary made the point much better than I can, which is that, ultimately, he is responsible for his staff and has to act in the interests of his staff. As he mentioned, he takes political guidance, because his is a political organisation. Council is no different. It is a political world. Had something happened to our staff, however, it is the chief executive who would have been up in court for culpable manslaughter, not me.

Ms Donaghy: Thank you for your question, Philip. If I may add to that, the decision was taken on the bases of the Health and Safety at Work Order and human rights, and that is exactly what should have been done. I completely stand over that decision. I will unpick for you why there is a difference with council. First, a new service was stood down for a number of days. There was little to no impact on delivery, because staff carried out documentation checks to the side. I have very strong working relationships, which you will know, as you are from the area. You will know that I have met MLAs and MPs on many occasions. I have a very open relationship with politicians. Throughout the coronavirus pandemic, I provided you with reports every week on what was going on. I have a very open style of communication with my politicians, and that is powerful. I have huge respect for those politicians.

This happened on the day of a full council meeting, and it would have been very wrong and disrespectful of me not to have shared what was going on with the politicians on the day of a council meeting, as I have high levels of contact with all parties. It was therefore exactly the right thing to do.

When I received the information, I met the group party leaders every day until we got the threat assessment. I had said that I would share the threat assessment with them. When I received a restricted document from the PSNI, however, I had no alternative but to get the staff back.

The other thing to say is that, during the week, politicians had made it a highly sensitive issue on the radio and elsewhere in the media. It was therefore important for me to get those young staff back to their workplace smoothly and without any fuss, and we achieved that. I am really glad that the staff are back and are happy and safe, so thank you for that, Philip.

Mr McGuigan: To finish, I have a point to make on my behalf. You have mentioned my name a couple of times in answers to other members and quoted me as talking about the rise in community tensions. I do not want to be a victim of being misquoted like the trade unions or to have my information embellished. When I talked about a rise in community tensions, it was in the context of the comments of two MPs that were deliberately designed to raise community tensions and in the context of the council's decision. In her last answer, the chief executive said that it made little or no practical difference, but it had a major political difference, and that is the context in which I was talking about rising political tensions. I do not want anybody out there to think that I was mentioning that in any other context.

The Chairperson (Mr McAleer): OK.

Ms Donaghy: Thank you for your questions.

The Chairperson (Mr McAleer): I will take the opportunity, Anne and Peter, [*Inaudible owing to poor sound quality.*]

Mr Blair: Chair, very briefly, we have been given a date of 3 February for a letter that, I believe, was written on 30 January. Separate to that, and we need to be accurate about this, I am keen to hear, as briefly as possible, why the mayor does not think that it is relevant for the Committee to see a letter that refers to: "being compelled to take measures" on the issues we are discussing.

Councillor Johnston: Well, I —.

Mr Blair: The letter refers directly to that. I said at the start, and I meant every word, that I am trying to get to the bottom of accountability and openness here so that we all know what we are talking about and the detail of what we are talking about. I therefore suggest, through you, Chair, that we ask to see a copy of the letter. If every Committee member is furnished with a copy of the letter, we will all know the full information.

Councillor Johnston: John, for the avoidance of any doubt, I have already explained the matter fully, but I am happy to reiterate that the point that I was making is that the letter that you are referring to was not part of our decision-making process. We are at the Committee today to furnish you with the facts of the decision-making process.

As I said to your colleague Philip McGuigan, when we talk about the letter, I feel that it is of no relevance. Of course it is of no relevance. I had not seen it and did not have it as part of the decision-making process, so it is not of relevance to the decision-making process about which the Committee is looking to get answers. That is clear. As the chief executive said, you are certainly welcome to ask for that letter. I just want to make the point that it did not form part of our decision-making process.

The Chairperson (Mr McAleer): Does the Committee agree that we write to request a copy of the letter?

Members indicated assent.

The Chairperson (Mr McAleer): Patsy, a brief point?

Mr McGlone: The point has been covered by the action you just agreed, Chair. All that I want to say is that the contents of that letter may have been reflected verbally at the council meeting and could have informed the decision-making process. That is the only point that I am making. I have not seen the letter. There has been a lot of talk about it today, and the decision to request it reflects that.

Ms Donaghy: Patsy, that is not the case. You have a full copy of the minute, which was agreed by full council, of the conversation that happened in closed council. You have a full copy of what was discussed.

Mr McGlone: A verbatim minute?

Ms Donaghy: You have a minute of what was discussed, based on the way in which we take minutes.

Mr McGlone: It is not a verbatim minute. It is not like Hansard, so it does not reflect it fully. That is my only point. Thank you, mayor and chief executive.

Ms Donaghy: Thank you, Patsy.

The Chairperson (Mr McAleer): Thanks very much, Anne and Councillor Johnston, for taking all the questions and for giving detailed and thorough answers. We will follow up with a request for a copy of that letter. All the best. Take care.

Councillor Johnston: Thank you. Bye-bye.

Ms Donaghy: Thank you. Bye-bye. Take good care.