



Northern Ireland
Assembly

Committee for Agriculture, Environment and
Rural Affairs

OFFICIAL REPORT (Hansard)

Withdrawal of DAERA and Local Authority
Staff from Ports: Police Service of Northern
Ireland

6 May 2021

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture, Environment and Rural Affairs

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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:

Assistant Chief Constable Mark McEwan Police Service of Northern Ireland
Assistant Chief Constable Bobby Singleton Police Service of Northern Ireland

The Chairperson (Mr McAleer): I invite Assistant Chief Constable Mark McEwan and Assistant Chief Constable Bobby Singleton to brief the Committee, and members will then ask some questions.

Assistant Chief Constable Bobby Singleton (Police Service of Northern Ireland): Thank you, Chair. We should say at the outset of the session that we last gave evidence on 15 April. Following our session, further evidence was given by the chief executive and the mayor of Mid and East Antrim Borough Council (MEA) on 22 April. We welcome the opportunity to come back to provide clarification to the Committee on a number of matters that have arisen, and we are happy to address any further questions that members may have.

Chair, may I begin with an apology to the Committee? In my evidence on 15 April, I was asked by a member from South Belfast:

"Did the Minister or Mid and East Antrim Borough Council report any threats that they had received or were aware of to the PSNI?"

In my evidence, I replied:

"No, not to people working at border posts."

I have to clarify that that was not, in fact, the case. It has subsequently been established that the district commander for Mid and East Antrim, Superintendent Michael Simpson, did, in fact, have contact with the chief executive about a reputed threat to staff on Saturday 30 January. At that time, the chief executive told Superintendent Simpson that she had been made aware that staff were under threat and that vehicle registrations were being recorded at the port. I understand that Superintendent Simpson liaised with our intelligence branch and was able to establish that the police had, that same day, received the same information anonymously. The police, however, assessed that that information was uncorroborated and unsubstantiated, as I covered in my evidence on 15 April. That assessment has not changed since. It is very important, Chair, that I put the record straight on that particular point.

I am grateful to have ACC McEwan with me today. Unfortunately, he was not available on 15 April. It was owing to ACC McEwan's absence that I was asked to give a brief on behalf of the organisation. Again, I apologise to the Committee that that was not more accurate. However, we are here today together, and we are confident that we can provide the Committee with all the information that it needs. Mark now wants to speak to some specific points.

Assistant Chief Constable Mark McEwan (Police Service of Northern Ireland): Thank you, Chair. I want to reiterate an apology from me. I was not able to attend the previous Committee session due to a clash of diaries where I was required at the Policing Board. I am grateful for the opportunity to come to the Committee today to clarify and maybe set in context some of the issues that have been raised by members.

If I may, Chair, I will cover a number of points looking at the command and control structures, the meetings and the contact that took place with partners, in particular on the threat assessment and the risk assessment, and our operational activity around the period. By doing that, I will hopefully be able to bring some clarity to the sequence of events.

Some Committee members mentioned Operation Yellowhammer, which was for the original date, back in January 2020. I suppose that a comparison was drawn between the structures that were in place for that and the structures that were in place around D20, as it is known, 31 December 2020, which was the end of the transition period. I think that it is really important that we understand that, under the civil contingency protocols in Northern Ireland, there was no strategic coordination group (SCG) up and running and there were no C3 structures such as the hub that gathered information specifically in relation to the end of the transition period in the way that there was for Operation Yellowhammer. Operation Yellowhammer was predicated largely on a no-deal scenario. Those structures and systems were all in place.

Last year, as everyone will be aware, they were in place, from a policing perspective, in respect of Operation Talla for the response to coronavirus. That was discussed by us and the Department of Justice. On 9 December, at the C3 meeting, with all the various partners in place, discussion was about whether it was felt that those same structures were needed to turn their attention to the end of transition. It was decided at that meeting that they were not.

I say that because comparisons have been drawn with Operation Yellowhammer, and it is important that the Committee understands that there were different civil contingencies structures in place for that from those in place for the end of transition. Those are the structures that provide for a central hub that allows everyone to have operational awareness and understanding.

I mentioned a strategic coordinating group, or SCG. Despite the fact that the overall civil contingencies arrangements had not been triggered, it was available to any partner or member of that group to request and require a strategic coordinating group. At that point, from a policing perspective, we did not feel that that was necessary. I will come back to that when I talk about the partnership arrangements that we put in place.

With regard to our contact around port arrangements and the sanitary and phytosanitary (SPS) checks in particular, the Committee is well aware that the SPS reference group, chaired by the DAERA permanent secretary, was the primary place for those arrangements to be discussed, for awareness to be shared with other partners and for us to understand the impact of those checks. We and Society of Local Authority Chief Executives (SOLACE) representatives were part of that. From 9 June 2020 until 7 December 2020, police attended those meetings to provide their operational overview. There were six meetings in total. On 28 October 2020, we presented to that group the shift of the police operation from Operations Cookhouse and Nebraskan to Operation Skies so that all our partners would understand where our primary focus was and the concerns that we had around potential protest and

disruption to the infrastructure. At that meeting, we also outlined our contingencies and the mitigations that we would put in place. Core to that were the communications with partners.

In addition to that, we pulled together a partners group. There has been comment about gold command meetings taking place and about some partners being surprised that gold meetings were up and running. In fact, gold planning and gold meetings had been ongoing since 2019, but there was, perhaps, a lack of understanding about what that meant. The gold command structure, as per proven professional practice, is an internal policing structure, so we did not invite any of our partners to it. That is about us ensuring the strategic direction and ensuring that our silver commanders have what they need and that everybody understands the plan. It is about the governance of the policing operation. It is not about partners.

We then, it is important to note, created a partners group that was primarily of law enforcement partners, Belfast Harbour Police and, on immigration, the UK Border Force. We included DAERA, as it was the lead agency on the SPS checks. DAERA was invited to and attended those meetings. We had very solid working relationships with our partners in that group. The meetings ran from 27 October 2020, and are still running.

That brings us to the period during which we went through the transition date. We had a gold command up and running. As most people will be aware, the immediate aftermath of transition on 31 December was relatively calm. We then started to see the rise in tensions and, indeed, the concerns. The graffiti started to appear, and other local issues began to arise. There was graffiti about the protocol, members of the DUP and others. At that point, as noted before, on 21 January, I held another partners meeting and discussed that. We were processing the intelligence that we had. Our intelligence assessment at that point was clear, and we felt that loyalist paramilitaries were not behind the graffiti, nor were they intent on taking part in or driving any action on port activities. That remains the case today. I stated that publicly, in various media interviews on 2 February, and to partners consistently throughout January and into February.

However, there is a real difference between our threat assessment and our risk assessment. Again, I think that there has been some conflation of the two things, which has led to confusion. Whilst we said consistently — I still say it today — that that was the threat assessment, it does not take account of the rise in tensions on which I briefed the Northern Ireland Affairs Select Committee, partners and the media. There were rising tensions. We cannot rule out the activities of individuals. We saw that manifest itself in graffiti. From an employer's perspective, we understand that that causes real concerns for employees and unions, and it is for the employer to work through that, through a formal risk assessment that is supported by us, and we can then start to look at what mitigations and security we can put in place to reassure employees.

To recap, whilst the threat assessment is still the same — the intelligence assessment provided by us, with partners, says that it is not, in our view, loyalist paramilitaries who are driving the activity — we can see the rising tension on the streets, we can see the rise in graffiti and we can see that, of course, that will cause concern for employees.

As was discussed on a number of occasions through our partners meetings and in the planning for the operation, we provided crime prevention officers. In fact, we provided people from our security branch who have a level of expertise in that area. They do not normally work with partners, but we provided that support, on this occasion, to look at the layers of security that employers could put in place for their employees. Those things, for example, range from whether an employee has to do physical checks or can do those checks remotely — can they be office-based in the port or do they have to be out on the ground — to whether there is CCTV and signage in the area or whether they are in a secure area of the port or outwith the secure area of the port. All those layers of security are things that the employer has to consider, with our support.

Then we come to the reassurance patrols. Throughout the period, we had very strong communications, through the local districts, with local councils and other partners, to say that they would be providing high-visibility reassurance patrols. That was to try to do a number of things. Primarily, it was to try to prevent any of the activity that we saw, such as graffiti, which is, in effect, criminal damage, or other illegal behaviour. It was also to be alert to any protests, to intervene when we saw any of that type of criminal behaviour and to provide reassurance to employees. We were very careful with our messaging through our partners — I think that that has been reflected — to say that the presence of the police, both by us and by the Belfast Harbour Police, was to provide reassurance, as opposed to responding to any specific threat.

There are a number of elements to it that, perhaps, have not been fully understood. Again, I take responsibility for that; I was not able to be here. As we work through the various elements, I hope that people will understand the sequence of events.

The Chairperson (Mr McAleer): OK. Thank you, Mark. A number of members want to ask questions. There are a couple of issues that I want to refer to before we move around the other members.

In our evidence session on 22 April, Councillor Johnston made complaints, which were backed up by the CEO, about the delay in information coming from the PSNI. He stated that they had asked for a written assessment on five occasions and finally had to go to the Chief Constable. What is your response to that, Mark?

Assistant Chief Constable McEwan: First and foremost, the assessment that was provided verbally on 27 January and 1 February, and publicly in the media, was the assessment as we saw it. We worked with the security service to provide a written assessment. We did all our due diligence to ensure that we had all the information, intelligence and facts available to us to provide that assessment. Therefore, it is not purely within the control of PSNI; we have to work with partners on that.

We held the extraordinary partners meeting, to which I invited the local authorities, along with HMRC. Also in attendance at that meeting were the Northern Ireland Office and Department of Justice. That is an unusual partners meeting. I was clear at the outset of that meeting that it was not to be seen as an SCG, which I mentioned earlier — a strategic coordinating group. It was not to take the place of that. I had not asked for that. However, it had that sort of feel. It shows the seriousness with which we took partners' concerns on the matter that, in the void of those other civil contingencies structures being in place, I, as gold commander for the police, arranged that meeting. I was clear about our threat assessment at that point. Again, I gave a commitment to try to provide the written document as soon as I possibly could. As I say, whether or not people write to the Chief Constable does not really speed up the process: I was the gold commander who was responsible for it.

The written assessment was provided two days later, on 4 February. That was as quick as we could turn it around with our partners. If that caused undue angst, that is unfortunate. In the meantime, we had good communication with partners to say that we were working on it and that it would come. I also understood, actually, that partners wanted that formal written assessment before they could meet their unions, discuss it with employees and start their formal risk assessment process. Therefore, whilst it is unfortunate that it took those two days, that is the process that we had to go through. Indeed, it has been revisited weekly, as I say, with our partners meetings, and we have provided written updates to say that there has been no change. I also gave a commitment that, if there was a change to that threat assessment, we would call an extraordinary partners meeting to come together as quickly as possible, so that people would have that reassurance.

The Chairperson (Mr McAleer): Finally, it was also mentioned in the evidence from Mid and East Antrim Borough Council that it was not included in the gold command structure. You said that it is an internal policing structure. Why would MEA believe that it should have been involved in that? Surely, it should know that that is an internal policing structure. Why do you think that the council cited its shock that it was not included in or part of that gold command structure?

Assistant Chief Constable McEwan: I am afraid that I cannot answer that, Chair. I have discussed the civil contingencies arrangements. I do not really understand that. Maybe there is confusion with the partners meetings. I do not know.

The Chairperson (Mr McAleer): I take it that it was never the case that the likes of MEA or any other council was involved in a gold command structure previously?

Assistant Chief Constable McEwan: No. They certainly were not involved in a gold command structure for Operation Skies, which had been running throughout that year. So, no.

The Chairperson (Mr McAleer): No. That is 100%. Thank you.

Mr Blair: I will make a brief comment before I ask a couple of quick questions. On occasions such as this, I always make it clear that I am a member of the Northern Ireland Policing Board. I think that it is wise to do that in this context. Separate to that, I want to thank Assistant Chief Constables McEwan

and Singleton for being here. We know the pressures that the organisation is under, not least in light of recent attacks on their colleagues in Dungiven and, indeed, Larne. They have my support in working on that and many other things.

I have two quick questions. It is now clear that a number of updates and briefings were given to Mid and East Antrim Borough Council between late January and early February. Yet, on 30 January, and we know this to be fact, the chief executive of Mid and East Antrim Borough Council wrote to the Cabinet Office and told them:

"I am aware of the involvement of paramilitary groups and recent protests at Larne Port".

Can we have it clarified that that statement could not have been made on the basis of any briefing that was given by the police and that, as of 30 January, there had not been any protests at Larne port?

Assistant Chief Constable McEwan: There was a protest involving a small number of people prior to the transition date, which, I think, was the last week in November. So, there was a small protest then, but it did not cause us any concerns. As I said, as part of the planning, we anticipated that there might be protests. Our primary concern was balancing the right to protest with the ongoing coronavirus regulations and, more importantly, from an EU exit perspective, disruption to critical infrastructure. So, at the end of November, we had some protests, and we have had some since, possibly at the end of April.

To be clear on the involvement of paramilitaries, as I said earlier, I have consistently given the assessment that we do not believe that loyalist paramilitaries are behind it. We have said that publicly, and we said it to the Northern Ireland Affairs Committee and to a House of Lords Committee. Should that change, we will, of course, inform our partners as soon as possible.

Mr Blair: During the council's evidence on 22 April, comments were made by the mayor about being badly let down by the police and chasing the police with a "begging bowl". Given that the council that was keen to be involved in gold command and, according to its own records, keen to contact the Chief Constable, will you clarify whether, at any point, it sought a meeting with yourselves to specifically address the concerns that were later expressed?

Assistant Chief Constable McEwan: My recollection is that the council did not seek a meeting directly, but I would have to check that by going through my emails. I received a number of emails that contained pictures of graffiti from various parts of the country. Those were, helpfully, from the council, which was trying to ensure that we were all sighted on the various things that were going on. As I said, from 2 February, the council had been involved in the partners meetings. I do not think that there was a request for a direct meeting, but if there had been, we would have managed it through the partners group. Prior to this, we had managed that with DAERA as the primary lead for the arrangements at the ports.

It is important to note that, because we were dealing with Newry, Mourne and Down District Council, Belfast City Council, Derry City and Strabane District Council and Mid and East Antrim Borough Council, that engagement, as part of our overall operational plan, was being carried out by the various district commanders or local leads. That is important because we need to understand the local nuances.

It is disappointing to hear how the mayor feels, because we put significant effort and resource into providing reassurance at Larne port, and we were very proactive on the ground in our liaison with the port authorities and other partners. Nonetheless, I go back to the fact that there are two things going on here. One is our threat assessment and an assessment of the intelligence. The other is the feeling that there were very high levels of tension in the community, which was possibly being felt locally and certainly had an unsettling effect on some employees. So, because things were coming from two different angles, perhaps there was an expectation that the police would be doing something different. However, as I have explained, in the command structures, protocols and our role in this, I think that we delivered a good service.

Mr Blair: Thank you for both those answers.

Mr McGlone: Thank you, gentlemen, for coming back to join us, and being open and forthright with us.

I want to reverse a bit. You are now probably aware that a letter was written by the chief executive of Mid and East Antrim Borough Council to the Cabinet Office. It is dated 30 January. In it, the chief executive said:

"I am aware of the involvement of paramilitary groups".

Two things flow from that. First, I know that you have clarified it, but just for the record of this inquiry, were you aware of the involvement of paramilitary groups? Can you clarify whether that was the case? The second thing is, was there any follow-up by the PSNI to clarify, or to understand the substance or basis for that claim, via the Cabinet Office, the NIO or any of their — how shall we call them? — ancillary agencies, to establish whether there was a basis for the claim?

Assistant Chief Constable McEwan: As I have said repeatedly, there was no intelligence. Our threat assessment was that there was no involvement of loyalist paramilitaries in directing protesting or graffiti in any of this. We have been very clear on that. That remains the situation.

I was not sighted on the letter to the Cabinet Office. Throughout this period, we had ongoing communication with Mid and East Antrim Borough Council. Nothing arose from those conversations that led us to change that threat assessment.

Mr McGlone: Was there any indication to you at any point, from Mid and East Antrim Borough Council, of that particular element, judgement or claim that was in the letter to Cabinet Office, that Ms Donaghy was aware of the involvement of paramilitary groups? Was that report or claim made at any stage to the PSNI for investigation?

Assistant Chief Constable McEwan: We sought clarity on that point. Concern was held by most of our partners, it is fair to say, that perhaps there was some involvement, or there was going to be some involvement. We sought clarity on it and, as I said, nothing in those conversations led us to alter our view. There was a phone call on 29 January. I was aware of the concerns, but when we fed in those concerns in the making of our the threat assessment, that threat assessment did not change.

Mr McGlone: Just so that we get it absolutely clear, specifically those concerns about paramilitary involvement, were those relayed to the PSNI by Mid and East Antrim Borough Council?

Assistant Chief Constable McEwan: They were. As I said, we ran our threat and intelligence assessment, and it did not change.

Mr McGlone: Thank you for that. There are just a couple of other things, which have already been touched on by other members of the Committee. I have to say that, juxtaposed with the evidence that we received from two other councils, this seems to be widely at variance with them. Those councils reported a very good working relationship and good comms with the PSNI throughout this period. However, the mayor of Mid and East Antrim Borough Council was critical of the PSNI, and said that they had to "chase" the Chief Constable's office as regards the risk assessment. He went on to say that he felt:

"badly let down by the PSNI throughout this whole episode."

He referred to:

"the level of communication and the lack of transparency"

throughout, and he was truly disappointed by it.

This is your opportunity to balance that with the level of engagement that there was with the council and its officials throughout the period.

Assistant Chief Constable McEwan: Thank you for that. It is important to say that I feel, as the gold commander at the time, that we had a very clear strategy on engagement, both through the partners meetings that I referred to earlier, those chaired by DAERA and those run by us. At local level, there were a number of conversations between the district commander and Mid and East Antrim Borough Council throughout that period about those concerns, specifically from late January into early February.

As I have outlined, we agreed to put on reassurance patrols, yet there seems to have been a misunderstanding around the role of the police in what is a threat assessment and what is a risk assessment. We provide the threat assessment, and it is for the employer, that is, the council, DAERA or UK Border Force, to carry out the risk assessment. We help with that by providing crime prevention officers and personnel from our security branch doing on-the-ground assessments with port authorities.

As I said earlier, they may or may not *[Inaudible]* security. Then there are the reassurance patrols that we put on to deal with any potential protest, to liaise on that front and take any action that we deemed necessary and to deal with criminality, to prevent it and to intervene and, which they did, to call in with various members of staff at various ports and provide that reassurance. We have had very strong feedback from the rest of our partners about how successful that was.

Mr McGlone: Can you give me an insight into the structure of the partners meetings, because they are rather new to me? What is their composition? How frequently do they meet? During this period, there may be a requirement for increased frequency. What level of seniority of your personnel participate in those?

Assistant Chief Constable McEwan: First and foremost, and most importantly, the portal arrangements were being led on by DAERA. The SPS meetings chaired by the permanent secretary ran on a monthly basis, I believe, from June through to December. We attended every one of those and provided our insight into what we felt the issues were and what we anticipated.

If you step it down a level, at our partners meetings, we had senior representatives from UK Border Force, immigration and Belfast Harbour Police and DAERA, which was the lead agency for the SPS checks, to understand how that would work. Part of that is around us anticipating protests or any disruption to the critical infrastructure and how we might then want to communicate with those who were carrying out checks on whether or not those checks could be dialled up or down to keep goods flowing and to ensure that goods were getting through, if we saw that critical time scenario, which we did not see, and we had no intelligence around the time to indicate that, but you will understand that those are contingency measures.

At the same time, district colleagues were the bronze leads, if you like, in our gold, silver, bronze. We have a silver in each district: one in Belfast; one in Larne; one in Newry and Mourne; one in Derry city —

Mr McGlone: Sorry for interrupting, Mark. I know that you are well acquainted with what that terminology means, but for the rest of us who are not so attuned to it, we know what the colours mean, but we do not know what it means in practice.

Assistant Chief Constable McEwan: Forgive me. Basically, it is a gold, silver and bronze structure, which is strategic, tactical and operational. We set the strategy at the gold level, and we are responsible for things like ensuring that we have the resources available and communications and the general overall strategy. At the tactical level, a bespoke plan is created for each of the areas: Larne; Belfast; Newry and Mourne; Derry city and Strabane; and Foyle port. Then, at a layer below that, on the ground, you have a bronze commander. They will work within parameters set by silver, who work to the gold strategy. Members will be familiar with that from public order in other operations. The bronze commanders on the ground have very strong liaison with partners and employees around explaining why we are there and providing that reassurance. At the silver level, we have ongoing communication with each of the councils.

As we moved through early January, we continued with our weekly partners meetings. On 27 January, we held a meeting with the members whom I have outlined. On 2 February, I felt that, due to tensions, local councils' concerns were at the point at which it was important to have them represented around the table. At that meeting, we also had representation from the Northern Ireland Office and DOJ. The Executive Office had asked for representation, but I cannot remember whether they were able to join in time. It was for that reason that I was clear that it was not a strategic coordinating group — I mentioned that earlier — which is part of the Northern Ireland civil contingencies arrangements. I did not feel that we needed to call that. I was not chairing it in that way. It was a meeting to enable us to share awareness. I could share our view of the threat, and we could talk through the mitigations that we needed to make. It was clear at that meeting that employers and employees were concerned, not because of the threat assessment that we were providing but because of the ongoing issues on the

ground; the graffiti about the Northern Ireland protocol that was emerging at ports and at DUP members' offices.

It is important that we recognise those things. They are separate, but they both feed into the overall picture. I have been clear throughout all my discussions with partners, the Northern Ireland Affairs Committee, the House of Lords Committee and the media that those two things, whilst different, feed into the same picture and impact on employees. It was discussed at that meeting that the employers would undertake risk assessments on how to mitigate the situation in the environment for employees. The risk assessments are separate from the threat assessment. I undertook to provide a threat assessment as soon as possible. As we have heard, that was provided two days later, which was as quickly as we could turn it around.

Mr McGlone: I have one final question. I do not expect you to have this, but, given the claims that have been made about connectivity between the PSNI and Mid and East Antrim Borough Council, it would be helpful to have some indication or detail around the frequency of communication with the council. Was it at the silver level?

Assistant Chief Constable Singleton: Patsy, I will respond to that and address one of your previous points. You talked about balance and connectivity. It is worth noting that the district commander was off at the time of the call and conversation that kicked off the issue of concern between Mid and East Antrim Borough Council and the district commander. He was on annual leave that weekend, but he was still contactable by the chief executive. He took her calls on the Saturday, and there were multiple contacts over the weekend when the district commander sought to provide reassurance and advice to the chief executive for her staff. That contact continued on 1 February and 2 February; there were multiple contacts. Anne Donaghy described eight contacts between Mid and East Antrim Borough Council and the police during that period. From the evidence that we have seen and the conversations that we have had with Michael Simpson, it is clear that there was regular and ongoing dialogue throughout that period with police who were attempting to provide reassurance and advice to Mid and East Antrim Borough Council.

(The Deputy Chairperson [Mr McGuigan] in the Chair)

Mr McGlone: Is Michael Simpson the local superintendent?

Assistant Chief Constable Singleton: That is correct. As Mark has set out, the district commander has a role in interfacing with the local council not only on these matters but on wider policing issues. Those are well-established relationships. Michael was contactable by Anne, provided her with reassurance and came back to her a number of times over the subsequent three or four days.

Mr McGlone: Thank you for that.

The Deputy Chairperson (Mr McGuigan): I have taken over the Chair. I was next in line to ask a question, so I am not abusing my position. The Committee's terms of reference include dealing with how DAERA and relevant local authorities gathered, assessed and reported on alleged threats. Another part is to:

"Consider the difference in approach between the councils and the rationale to remove/maintain council staff at ports."

Another one is:

"Establishing what consideration was given by DAERA and Mid and East Antrim Council to the PSNI assessments of the threat in deciding to withdraw staff."

Before I ask my question on those terms of reference, I put on record that, as an MLA whose constituency covers Mid and East Antrim, I have had conversations both at a district level and with ACC McEwan on this issue in the aftermath of the decision.

I go back to the terms of reference and what the inquiry is about. There is an issue about DAERA, Mid and East Antrim Borough Council, Belfast City Council, Derry City and Strabane District Council and Newry and Mourne District Council. I have probably left an organisation out. Was there any difference in the service provided by the PSNI to any of those councils? Was special treatment given to any of

the councils or the Department in access to meetings, access to information, the return of phone calls or, indeed, the information that was provided on the risk assessment for any of the staff?

Assistant Chief Constable McEwan: I can be unequivocal in that: absolutely not. There is no difference in the information provided, access to partners meetings or any of that. I have outlined at length the arrangements that were in place. There may be a difference in the local patrolling, and we put significant resource into Larne and Belfast. There was probably a lower level in Newry and Mourne and at Foyle port, because it is a different type of port. The interactions and engagement are all consistent. However, the outworkings of that will be guided by what we see to be the threat at the time and feel to be the local need to provide reassurance. I would need to look at the hours spent, effectively, between Belfast and Larne, as there may be a slight difference. Suffice it to say that I understand, as my colleague has said, that there was significant interaction with the local district commander and Mid and East Antrim Borough Council. He has briefed the PCSP on the level of resource that we put in and around the port to provide reassurance.

The Deputy Chairperson (Mr McGuigan): OK. It has been put on record by other members that an issue was made about Mid and East Antrim Borough Council's concern that it was not invited to attend a gold command meeting. You have said that it was never going to have attended that meeting because it was an internal matter. The council had some confusion about its role and the role of gold command. You have also explained that the council had a misinterpretation or misconception of the difference between a risk assessment and a threat assessment. What was provided to Mid and East Antrim Borough Council in the aftermath of its decision to return staff? Was a written threat assessment provided?

Assistant Chief Constable McEwan: A written threat assessment was sent to all the members of the partners group that met on 2 February. That group still meets; meetings are held weekly. It still has representation from the councils and other partners, including HMRC, immigration, UK Border Force, Belfast Harbour Police and DAERA. That written threat assessment was provided to all those members.

In addition, at a local level, throughout the planning of the arrangements, particularly through DAERA for the SPS checks, we provided crime prevention advice, as we ordinarily would do. Our specialist officers will look at a site and advise on things that we may do to layer up security and to provide reassurance to employees. In addition — although, we would not ordinarily do it — our security branch, which primarily focuses on looking after our estate, provided specialist advice to our partners. I need to check the records, but I know that, in the planning in the run up to this, that advice was given and continued to be provided to all the councils and partners throughout that period.

The Deputy Chairperson (Mr McGuigan): Therefore, despite Mid and East Antrim talking about a risk assessment being required and then given, that was not the case: it was a threat assessment.

Assistant Chief Constable McEwan: Yes. We articulated that to Mid and East Antrim Borough Council. I cannot recall whether any other partner asked for a risk assessment. We were asked questions like, "Is it safe for employees to go back to work?". That is a question that we would not answer directly. We provide a threat assessment of what the overall threat is. We then, as I say, leaned in to help with the risk assessment. That is to be led by the employer; it is not for police to do. We would not do that in any circumstances for another employer; that is for them to do. However, we do provide advice and help on that.

The Deputy Chairperson (Mr McGuigan): When it was provided to Mid and East Antrim Borough Council, was there a caveat that that information should not be provided to members? I asked the chief executive that at the last meeting. I know that the information was not provided to members. I do not want to misquote her, but I think that she said that it was because the PSNI said that it should not be provided.

Assistant Chief Constable McEwan: The risk assessment is a matter for the council. That is owned by the council. The threat assessment was provided to partners. It was marked "OFFICIAL-SENSITIVE [PARTNERS]" under the government's protective marking scheme to which we are all subject. Therefore, it is for the council, within that framework, to decide how to share it.

The Deputy Chairperson (Mr McGuigan): Yes. However, as councils are run as democratic institutions by councillors, there is no reason why they would not be afforded that information.

Assistant Chief Constable McEwan: I cannot see why they would not. However, I do not want to interpret the meaning of other people, because, actually, most of what was in that assessment I have said publicly anyhow. It is provided to partners under the government marking scheme. It is for them to decide how to implement that.

The Deputy Chairperson (Mr McGuigan): You have kind of raised the point that you put on record at the NI Affairs Committee — I think that it was roughly a week before 2 February — that, with regard to your assessment and graffiti and social-media activity in loyalism, there were eight conversations between Mid and East Antrim Borough Council and the PSNI at various levels, whether that was with you or district command, and that there was even contact on the day prior to it, and at no point did you feel that you did not have all the information. People here have talked about allegations of paramilitary activity, number plate information being taken, and different things. Are you satisfied that you were aware of all the information that Mid and East Antrim had, and your assessment was that the threat was low?

Assistant Chief Constable McEwan: Yes. I cannot second-guess various things, but we are satisfied that we did everything that we could to establish all the information that we believed was there, to take that information in to assess it, and to provide the threat assessment.

The Deputy Chairperson (Mr McGuigan): Have you any rationale for why some local authorities believed your assessment and others thought that they knew better?

Assistant Chief Constable McEwan: I will go back to the point about the threat assessment itself and that, in our view, any of the information that was reported to us through working with partners, the intelligence that we had, and other information that may, perhaps, have come to individuals, whether they were in Mid and East Antrim Borough Council or elsewhere, we then assessed. We graded a number of those pieces of information as unsubstantiated and uncorroborated. It did not fundamentally change the overall threat assessment. That was our organisational position.

The Deputy Chairperson (Mr McGuigan): Finally, because it has been alluded to by other members, the chief executive of Mid and East Antrim was aware that your assessment was that no loyalist paramilitary activity was involved, and she was certainly aware of that prior to Mid and East Antrim Borough Council's making its decision. Can I clarify whether she was aware of it prior to 30 January, when she wrote to the British Cabinet Office?

Assistant Chief Constable McEwan: I cannot answer that, Chair. I can tell you what I have done, the statements that I have made and the information that we have provided to partners. Whether she was aware of that is a question for her.

The Deputy Chairperson (Mr McGuigan): Sorry: maybe I asked that wrongly. Was she aware that the police assessment was that there was no loyalist paramilitary involvement?

Assistant Chief Constable McEwan: That was our assessment and our organisational position. Superintendent Simpson was aware of that and conveyed it to Mid and East Antrim Borough Council.

The Deputy Chairperson (Mr McGuigan): Thank you very much, gentlemen.

Mr Irwin: I thank the gentlemen for their presentation. There were high levels of tension and there was graffiti on the walls and all the rest. You said that the threat from loyalist paramilitaries was low, but you did not say that there was no threat. Is that right?

Assistant Chief Constable McEwan: I said that it was our assessment that the activities that we saw and the tensions that existed were not being driven by loyalist paramilitaries. I have continually said to partners, in evidence to Committees and publicly that that does not rule out the separate issue of actions by individuals. We saw graffiti and we saw the rising tensions, so those are separate things.

Mr Irwin: So, the police could not say that there was absolutely no threat. Is that right?

Assistant Chief Constable McEwan: The threat assessment was of the involvement of loyalist paramilitaries, but, setting aside that element of the threat assessment, I have said that the causes of

disquiet and concern to employees and subsequently employers were the ongoing tensions that we could see, the graffiti that was appearing and those sorts of activities.

Mr Irwin: There was always the risk that individuals could do something. Is that right?

Assistant Chief Constable McEwan: That brings me to the heart of the matter: the difference between a threat assessment and a risk assessment. We have covered the mitigations that we would put in place following a formal risk assessment by employers. For policing, that largely comes down to advice, some reassurance and high-visibility patrolling.

Mr Irwin: Thank you.

Mr M Bradley: Good morning, gentlemen, and thank you very much for coming before the Committee.

When ACC Singleton was here, I raised with him the perceived threat to a port worker. I also raised that with the chief executive and the mayor of Mid and East Antrim Borough Council when we met them. They said that there had been a threat to a port worker, who had then been relocated under various legislation. That was at variance with what I had been told the week before by ACC Singleton. So, I am looking for some clarification. Was there a worker at any port who had to be rehoused in a secure location following a threat to his life?

According to reports that I have received, a customs officer was targeted in February around the same time that the menacing graffiti started to appear around the ports. That worker reported the incident to the police, who found it to be credible. That was reported by various news outlets as being the first time since 2011 that a relocation had happened due to terrorist targeting. You stated clearly that there was no paramilitary involvement in the threats or disruptive behaviour, but there were tensions in and around the port and in the country. That is a threat assessment rather than a risk assessment. Did the council act properly in assessing the risk to its staff?

Assistant Chief Constable McEwan: There are a number of questions there. Let me deal with the threat to the port worker first. We were aware of a low-level and unsubstantiated and uncorroborated threat to a member of staff who was working for one of our partners. That is all that I am going to say on that. That did not reach the threshold for support under schemes such as the special purchase of evacuated dwellings (SPED) scheme. What an employer decides to do to support its employees is a matter for it. I am saying, quite clearly, that I am aware of a threat to an employee of a partner, but we viewed it as being unsubstantiated and uncorroborated and a low level of threat. It would not have met the threshold for support under the SPED scheme, which, I think, is the scheme that the member is alluding to.

I agree, and I have said this publicly on a number of occasions, including today, that there were considerable community tensions. That will vary from area to area. The graffiti are the outworkings of those tensions, so it is understandable that employees are, perhaps, nervous.

I have described the difference between the threat assessment and the risk assessment, and what we do and where our role is in that. I am not qualified to say whether or not I believe that the risk assessment was right or otherwise. That is a matter for the employer, whether that is the council or one of our other partner agencies, to undertake and to work through with their employees, unions and whomever else. We will help with advice around the layers of security that we can provide and our reassurance patrol.

Mr M Bradley: Thanks very much for that. I was not trying to be specific, which is why I did not mention the SPED programme. I did not want to get into any individual's information or anything like that.

You made quite a point about the rising tensions in and around Larne and other areas in Northern Ireland at the time. If you were of an opinion that there were no threats, why did you increase patrols and men on the ground if that was not a reaction to the threat of violence or disruption? In your words, you have significant resources at Larne port. Why did you do that if there was no threat or perceived threat?

(The Chairperson [Mr McAleer] in the Chair)

Assistant Chief Constable McEwan: We have been pretty clear on that. On the threat assessment, when referring to the involvement of loyalist paramilitaries, we have dealt with that ad nauseam here today, but, as I see it, we work through a risk assessment. If you are the employer, you look at the physical environment for that employee. Are they working alone? Are they working with other colleagues? Are there other people in the vicinity? Do you have CCTV?

The one thing that the police can do in that scenario is to provide reassurance. While we have talked about the threat assessment, we are aware that criminal damage, by way of graffiti, was taking place. In fact, there were arrests for criminal damage in Larne. That patrol was provided to try to prevent that sort of criminal behaviour, to intervene where possible and to provide reassurance to employees so that they would see and know that the police were in the vicinity because of the tense environment.

Mr M Bradley: Thanks very much for that. As a reminder, I never mentioned the word "paramilitary". I concentrated on threats, threats of violence and perceived threats. I did not mention any organisations or anything like that. I want to make that clear.

We are in a position of hindsight. We are trying to sift our way through this evidence, with the knowledge that it has already happened and we are trying to dissect it and disseminate it among ourselves to see what actually happened leading up to the decision to remove the port officials. It was clear to me that there was a threat and an issue with the safety of workmen. There is something badly wrong if an employer does not take the safety of their employees seriously. When we get to the nuts and bolts of this investigation, that will come across clearly.

Ms Bailey: Thank you for being with us here again today. Thank you, ACC Singleton, for your clarification on my question the last time that you were with us. It is much appreciated. *[Interruption.]* The letter that was sent from the chief executive of the council to the private office on 30 January stated that *[Interruption]* she believed that there had been paramilitary involvement.

The Chairperson (Mr McAleer): Sorry, Clare. It sounds like there are workmen working in the background. Could members who are not speaking please mute their microphones?

Ms Bailey: The PSNI has been very clear the whole way through that its assessment was that there was no paramilitary involvement, and you have said that you conveyed that information to Mid and East Antrim Borough Council a number of times between 30 January and 1 February. We know that the letter stating that there was paramilitary involvement was sent on 30 January. That came from the chief executive of the council. At our session with the Mid and East Antrim Borough Council mayor and chief executive, they said that a number of councillors had raised with them the fact that they believed there to be paramilitary involvement, and they took their lead from them because they know what is happening on the ground. That is not a verbatim account of what the council representatives said. Did any councillor on Mid and East Antrim Borough Council ever raise concerns with the PSNI or share that level of knowledge with you?

Assistant Chief Constable Singleton: To the best of my knowledge, they did not. As the chief executive has described, she contacted Superintendent Simpson on 30 January, and she relayed to him *[Inaudible owing to poor sound quality.]*

The Chairperson (Mr McAleer): Will all members mute their devices, please, when not speaking.

Assistant Chief Constable Singleton: I was clarifying that Superintendent Simpson spoke to the chief executive on 30 January. At that point, the chief executive told Superintendent Simpson that she had been advised by elected representatives of the potential issue or threat. Later that day, Superintendent Simpson was able to confirm that the PSNI was aware of the same anonymous information that had been provided.

Ms Bailey: What is the recommended advice under such circumstances? If an elected representative fears that staff are under a paramilitary threat, should it be signposted directly to the PSNI, or should it go to a council official?

Assistant Chief Constable Singleton: Ideally, we ask that it be provided directly to the police, but we recognise that, in certain circumstances, for a number of reasons, people cannot do that. They may have a fear of retribution or something of that nature. There are alternative means for people to provide information to the police in those circumstances. You will be aware of Crimestoppers, for

example. Ideally, we ask them to speak to officers, but we understand that, in some circumstances, people do not feel comfortable or able to do that. With regard to our response, we are clear that Superintendent Simpson tried to do all that he could to provide reassurance and further advice to the council in respect of the information that it had brought forward.

Ms Bailey: My staff and I were once informed that there could be a threat against us in our office. At that time, the police came forward and offered us personal safety training. Were the staff who were affected in this case offered that personal safety training? Did the council ask whether you would be able to provide it?

Assistant Chief Constable Singleton: From the correspondence that I have seen, I know that there was direct contact between Michael Simpson and members of the council, specifically on crime prevention advice. That was discussed in the days following 30 January. That advice was in addition to the general advice that was provided to the partners through the core group that ACC McEwan talked about.

Mrs Barton: I have a question on the graffiti. Was a lot of graffiti appearing at Larne harbour before that weekend? Was it being continually removed by the council as it appeared?

Assistant Chief Constable McEwan: Yes. I do not have the specifics in front of me, but we started to see an increase in the incidence of graffiti in Larne and Belfast, elsewhere in the country and at some DUP offices. It related to the protocol, the Good Friday Agreement and other things. We had it removed as quickly as possible, working with the council in whose area it appeared.

Mrs Barton: Did the PSNI or the council have it removed, or was it done with the cooperation of both?

Assistant Chief Constable McEwan: It was done with the cooperation of both, but the council did the actual removal.

Mrs Barton: Thank you. Everything else is clear.

The Chairperson (Mr McAleer): No other members wish to ask a question. Thank you, ACC Singleton and ACC McEwan, for attending.