



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

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:

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

The Chairperson (Mr McAleer): Members, we now have an evidence session with Mid and East Antrim Borough Council. We have a very strict finish time today of 1.30 pm, so will members please ask concise questions to give everyone an equal opportunity and to avoid rushing at the end? You can ask one or two questions and, if there is time, you can come back in for another question.

I welcome, via StarLeaf, Anne Donaghy, the chief executive of Mid and East Antrim Borough Council, and Councillor Peter Johnston, the mayor. I invite the council representatives to brief the Committee, after which members will ask questions.

Councillor Peter Johnston (Mid and East Antrim Borough Council): Thank you, Chair and Committee members. When we appeared in front of you exactly a fortnight ago today for a lengthy cross-examination, we did not expect to be in the same position two weeks later. However, in the interests of full openness and transparency, we have willingly returned to give further evidence to clarify two additional points, as requested by the Committee.

I pay tribute to the chief executive and her team. As well as investing significant time in preparing the information requested by the Committee, at significant cost to our ratepayers, they have continued to prioritise the needs of the citizens and businesses of Mid and East Antrim Borough Council as they continue to experience the detrimental impact of COVID-19 and embark on a very challenging recovery journey.

I ask members to cross-reference the council's oral evidence and the 71 pages of written evidence that we submitted on Tuesday with our original written evidence, which runs to some 57 pages, and our previous cross-examination, which lasted nearly two hours. In total, we have produced 128 pages of thorough evidence to answer the Committee's queries, and we have given nearly two hours of our time to answer questions. Therefore, I trust that today will complete the evidence.

As requested under the Committee's clear and specific terms of reference for the inquiry, our original 57-page document provided an extremely comprehensive breakdown of all relevant documentation and information that was considered by the council's elected members prior to the unanimous cross-party decision to withdraw staff temporarily from the port of Larne, pending a formal written threat assessment by the PSNI.

Like members of the Committee, I listened to bits of the evidence given this morning by the PSNI. I acknowledge the apology and the clarification that it provided about its communication with Mid and East Antrim Borough Council officials. That is a positive step towards building back the relationship and working collaboratively towards a better society for all our citizens. That is to be commended. I will make a small point of clarification on one inaccuracy about the timing of the formal threat assessment. It was requested from the district commander on the Monday and was not received until the Thursday evening.

As has been stressed on numerous occasions, the council's priority is and always will be the health, safety and well-being of its staff and ensuring that it meets the employer's moral and legal obligations to staff safety, as outlined in the Health and Safety at Work (Northern Ireland) Order 1978 and article 2 of the Human Rights Act 1998, which protects every individual's right to life. I will now ask the chief executive to provide the Committee with a high-level overview of the written evidence that we have provided in response to the Committee's additional questions, which have brought us here today.

Ms Anne Donaghy (Mid and East Antrim Borough Council): Thank you, Mayor. As instructed by the mayor, I will touch on the two additional questions to which the Committee asked the council to respond in writing by Tuesday 4 May. I will summarise the two points for the Committee.

I will turn to the Committee's first question on whether the council informed the PSNI of concerns that were raised by the major trade union to our head of human resources on Monday 1 February. In our first written submission, the council clearly documented eight separate engagements with the PSNI between the first appearance of the sinister and threatening graffiti in Larne on 21 January and the council's unanimous cross-party decision to withdraw its staff temporarily from the port of Larne on 1 February, pending the formal written threat assessment by the PSNI. That included communications from the council to the PSNI on the weekend leading up to and the morning of 1 February, when all matters that were giving the council cause for concern about its staff at the port were continually reiterated to the PSNI district commander.

The email from the trade union was received by the council at 1.45 pm on Monday 1 February. The concerns that were expressed by the trade union on the sinister graffiti and other alleged methods had already been raised to the PSNI by the council, and the PSNI had given assurances to the council that the matter was under investigation. At around 2.30 pm, in a second telephone call with the PSNI district commander that day, the council reiterated its concerns and relayed all the information that it had on the ongoing situation.

In addition to that, the trade union's concerns were raised at the DAERA meeting with the Minister that afternoon and with the council's elected members, both at the meeting of the group party leaders and at the full council meeting that evening. The email was among a wide range of information that was taken into consideration to inform the council's unanimous cross-party decision to withdraw its staff temporarily from the port. Finally, the trade union's email provided no different information to the incidents that were already reported and recorded with the PSNI over the weekend by the council. There was no specific additional information in it. Therefore, we were happy that all concerns were communicated.

I will now turn to the Committee's second question. It relates to my letter dated Saturday 30 January to the Cabinet Office official, which expressed a number of concerns about the practical and operational implementation of the Northern Ireland protocol. At the previous Committee evidence session on 22 April 2021, members referred to a confidential letter that was written by me to the Cabinet Office. Without the benefit of having that letter in front of us, the mayor and I were of the belief that it was sent on 3 February. On behalf of the council, I wish to clarify that the letter was sent on 30 January. Without the benefit of having the letter in front of us, and relying on our recollection, bearing in mind that we

had 57 pages of written evidence in our heads at the time, we both thought that it was 3 February. The council can now confirm as a matter of record that the letter was sent in confidence to a senior official in the Cabinet Office on 30 January.

I will turn now to the role of the chief executive and the Society of Local Authority Chief Executives (SOLACE). The role of the council chief executive runs in parallel with any position that they fulfil in SOLACE. Often, the various roles are complementary and, therefore, cannot run in parallel without crossover.

In clarifying the use of Mid and East Antrim Borough Council headed paper, it is not uncommon for letters to be issued by chief executives in the context of their dual role as council chief executives while referring to and drawing on their position representing SOLACE.

That is clearly demonstrated in appendix 4, with letters written on council headed paper that refer to SOLACE business — for example, a letter written to the mental health champion on behalf of the local government health and well-being group, which I chair, on behalf of SOLACE, which was sent on Mid and East Antrim Borough Council headed paper.

It is important to inform the Committee that SOLACE has no formalised procedures around the administration or issuing of letters as a SOLACE working group chair. It has been my common practice for the 12 years that I have been in SOLACE to use council stationery and administration of SOLACE business due to the dual role and the significant crossover and the fact that SOLACE does not have dedicated administrative support.

With regard to the letter of 30 January, which was shared with the SOLACE chair, I clarified in the first paragraph that the letter was being sent confidentially and introduced it in my role as chief executive of Mid and East Antrim Borough Council and then referred to my dual role as the chair of the EU exit task and finish working group.

I also highlighted Mid and East Antrim Borough Council's position on union connectivity, which I made clear in the letter, and it was even more appropriate that council headed paper was used. I can advise that that letter had unanimous cross-party agreement at full council meeting of Mid and East Antrim Borough Council, to which I am accountable.

Writing the letter in a dual role allowed me, as chair of the EU exit task and finish working group, to draw on my first-hand experience at Larne port as chief executive of Mid and East Antrim Borough Council. The dual role was clearly evidenced and recognised by SOLACE in its press statement, which it provided to the media on 23 April on the query around the submission of the letter to the Cabinet Office on 30 January 2021.

In the press statement, SOLACE said:

"The letter referred to was written by Anne Donaghy as Chief Executive of Mid and East Antrim Borough Council ... The letter also confirms that Anne is the Chair of the Solace NI EU Exit Task and Finish Working Group."

That demonstrates the dual role and how the two cannot be separated. The statement continues:

"In this capacity, Anne engages with the Department of Agriculture and Rural Affairs [sic] (DAERA), the Food Standards Agency Northern Ireland (FSA (NI)) and other relevant partner organisations regarding the implementation of the NI Protocol from a local government perspective".

I now wish to draw to the attention of members:

"other relevant partner organisations regarding the implementation of the NI Protocol from a local government perspective"

to be and to include the Cabinet Office.

The Cabinet Office has a responsibility for the operational domestic readiness up to and after 1 January 2021. All Command Papers and operational guidance relating to the Northern Ireland protocol come from the Cabinet Office.

From 1 February 2020, responsibility for the transition period and UK-EU negotiations were led by the Cabinet Office under the direction of the Minister for the Cabinet Office, who is the Chancellor of the Duchy of Lancaster. The Cabinet Office is the Department responsible for the transition, the operational readiness and the implementation of the Northern Ireland protocol. Therefore, to refer back to the SOLACE statement, it is another relevant partner organisation regarding the implementation of the Northern Ireland protocol.

In line with the terms of reference of the EU exit task and finish working group, it was my role as chair to influence, articulate and contribute to the wider policy issues regarding the implementation of the Northern Ireland protocol. All actions that I have taken align with the SOLACE terms of reference.

At the SOLACE meeting on 8 January, and at a special meeting on 15 January that was requested by me as chair, I raised the challenges that were facing local government and the need to raise those more widely. That is referenced in the contemporaneous notes taken by the SOLACE local government liaison officer, and those are contained in appendix 7. From those two meetings, the SOLACE local government liaison officer and I were confident that we had the full support of SOLACE to continue to raise the concerns of local government with the lead UK Department with responsibility and oversight: ie, the permanent secretary of the Cabinet Office, which is a non-devolved Department that is considered to be another relevant partner organisation.

In the update report that was provided to the SOLACE Northern Ireland chair on 26 January and subsequently shared with the chief executive, I again highlighted the role of the Cabinet Office and noted that the engagement would continue in an attempt to resolve the issues. I mentioned specifically the Chancellor of the Duchy of Lancaster, who is the Minister for the Cabinet Office. Having received no feedback or queries from the chair or any member of SOLACE, I continued engagement, as set out in the meetings of 8 January and 15 January, and in the report of 26 January. I took their silence as contentment with that approach. A similar report, of 26 January, was shared with my elected members on 26 January and subsequently approved at our council meeting on 1 February.

With a growing number of risks identified by the 11 councils, as evidenced in the EU task and finish working group's heat map, which is attached at appendix 6, it became obvious that, given that the grace period was coming to an end, the practical and operational issues needed to be raised urgently by the Department with responsibility for the transition period and implementation of the protocol. I had previously written to the Chancellor of the Duchy of Lancaster in my role as chief executive, but, due to restructuring in the Cabinet Office, I was unaware of the appropriate official to raise the concerns with privately. I contacted two Members of Parliament for mid and east Antrim — key stakeholders with national influence — to seek advice on who would be the most appropriate senior official to engage with on these serious issues. The two MPs for mid and east Antrim are well versed in the ongoing practical and operational issues relating to the challenges that we are facing at Larne port with the implementation of the protocol, as they, as key stakeholders, have been copied into numerous correspondence relating to the council's continuing raising of these concerns.

The MPs pointed me to Sir Jeffrey Donaldson MP and advised that he would be able to identify the most appropriate senior official to contact. I duly contacted Sir Jeffrey Donaldson to advise him that two constituency MPs thought that he might be able to advise of the most appropriate senior official to contact about implementation issues. He provided me with the name of Mr Brendan Threlfall, the Cabinet Officer director with responsibility for overseeing the transition and implementation of the Northern Ireland protocol. In my letter to Mr Threlfall, I made reference to the MPs, as doing so provided context for the reason why I was sending him the letter. It is normal practice for Mid and East Antrim Borough Council officials to engage regularly with our Members of Parliament on a wide range of issues that impact on the borough.

In closing, I am happy to provide the details set out in the letter to the Cabinet Office official that was sent on 30 January. It sets out and addresses the concerns and challenges around the implementation of the Northern Ireland protocol. It is necessary and important to clarify to the Committee that the issues raised on the implementation of the protocol were not part of the council's considerations of the health and safety responsibility for its staff. SOLACE Northern Ireland played no role in the council's cross-party and unanimous decision to withdraw staff from the port of Larne. Those are two separate issues. Thank you, Mayor.

Councillor Johnston: Thank you, chief executive, for, as I trust the Committee will agree, another extremely comprehensive and compelling report. I trust and hope that the detailed evidence has been fairly read.

In closing, I want to put on record that, unfortunately, as the Mayor of Mid and East Antrim Borough Council, I have been exceptionally disappointed by the approach taken by the Committee to the council and our chief executive. I have a number of specific concerns, and I would like to cover three of the most pertinent ones.

First, the time frame that was set for the submission of our response and for us to appear in front of the Committee was, on grounds of procedural fairness, unreasonable and unfair.

Secondly, I need not remind Committee members that the focus of the inquiry should be on the decision-making role of DAERA. The focus has unfairly been put on Mid and East Antrim Borough Council and, in particular, our chief executive.

Finally, it has been brought to my attention that members of this Committee have made highly prejudicial comments in the media and on social media about Ms Donaghy, including an inflammatory comment that called for her resignation. That is absolutely appalling, considering that the inquiry is ongoing and that the chief executive's actions and integrity are without question. On that point, I refer to the Northern Ireland Assembly's 'The Code of Conduct and The Guide to the Rules relating to the Conduct of Members'. Incidentally and, indeed, helpfully, that code was approved by the Assembly just a matter of weeks ago, on 23 March this year, and came into effect on 12 April 2021. I trust that that will have been very fresh in the minds of Committee members throughout the inquiry. Section 3 of the code, under the principles of conduct for Members of the Legislative Assembly, states that Members must act with objectivity and must:

"act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias."

I certainly question how comments expressed by members of this Committee could possibly be described as objective, impartial, fair, based on merit or made without discrimination or bias. One such comment, which was carried in a press release, stated:

"She"

— referring to Ms Donaghy —

"needs to return to the committee to provide clarity and, if these reports are true, then this damning revelation would make her position untenable. The chief executive's role is as a public servant, answerable to Council. This appears to have been a partisan decision based on the word of one political party. That is not the role of a chief executive and she can no longer command confidence in her position."

That is shocking, members. Another statement, which was issued by a councillor and made in conjunction with a Committee member, said that Ms Donaghy's:

"actions over the last number of months have damaged our confidence in her judgment ... It would be appropriate, I believe, for the chief executive to consider her position and the need to restore confidence at a time of heightened tension."

One might be forgiven for thinking that, in addition to acting outside the code of conduct by which they are bound, certain members of the Committee are being driven by a very cold and calculated predetermined agenda. Indeed, I hope that the Assembly Commissioner for Standards looks into that partisan conduct.

I completely understand why a number of elected representatives, including some members of the Committee, have publicly described the whole debacle as a witch-hunt. It is also perfectly understandable that our chief executive feels very personally and publicly attacked by members of the Committee. It certainly is not fair, and we must not underestimate the stress and upset that have been caused to Ms Donaghy at a time when we, the elected members of Mid and East Antrim Borough Council and, indeed the electorate, expect her full and undivided attention to be on the council's continued COVID-19 response and our efforts to promote the long-term recovery and growth of our borough for its citizens and businesses.

In addition to the seemingly very personal vendetta against one individual, and I will finish on this point, I go back to the point that I made when we first appeared before the Committee a fortnight ago.

This matter should have exclusively focused on the safety of 12 young employees at Larne port, and it warranted unanimous support across all parties. It has been turned into a political football, which I find wholly unacceptable. I welcome the views of Committee members on that matter. I will pass back to the Chair.

The Chairperson (Mr McAleer): Thank you for that evidence. A number of members want to ask questions. Before we move round the room, I have a couple of points to raise.

At your last session, you referred to your disappointment at not being involved in the gold command meetings. We learned from the police that that is an internal policing structure. Has the council ever been involved in those meetings? Why did you believe that you should have been involved?

Councillor Johnston: Thank you for the question. I will pass over to the chief executive, who will give you some of the detail.

Ms Donaghy: We have been involved in gold command structures before. I would need to come back with information on the members of that committee. However, I believe that representatives of DAERA, representatives of those working in border control posts and EU representatives were on that committee. I believe that the council may have been the only partner with staff at the port that was not involved. The Committee needs to check that with the PSNI. However, I feel that we should have been involved.

The PSNI has made a corrective action, which I very much welcome. When the permanent secretary was at the AERA Committee, he said that councils need to be involved. My colleagues and I were taken aback that we had not been involved. We were immediately asked to the next meeting and have continued to be invited. We get very useful information and constant updates on the threats. It is hugely important that the council is involved so that it can get an overview of the threat and any shifts or movement in that situation. I thank the gold command for including councils.

The Chairperson (Mr McAleer): I clarify that, at the last briefing, the assistant chief constable referred to the partners group and the sanitary and phytosanitary (SPS) reference group but said that the gold command was an internal policing structure. Is there a chance that you have confused the groups?

Ms Donaghy: I do not think so. If it were an internal policing structure, my question back to you, Chair, would be this: why are we now invited to and part of it?

Councillor Johnston: I appreciate the question that you are asking, Chair. However, I reiterate that the Chief Constable's approach when he came into policing was about the community, community engagement and community policing, and I referred to that during the last session. The question back is this: why would you not want the council to be involved at that level? It is right, and it is good for our community in mid and east Antrim that we are involved, not least given such an important issue as safety at the port of Larne.

The Chairperson (Mr McAleer): Thank you. Ms Donaghy, I note from your comments that you sussed out the two MPs whom you deemed to be local, and they pointed you in the direction of Jeffrey Donaldson. However, I note that your letter referred to Jeffrey Donaldson as one of your "local MPs". I am curious about why the three MPs in question happen to be from one political party. Why did you not go to Stephen Farry, Chris Hazzard or Colum Eastwood as local MPs? Lagan Valley is just as local to your council as some of those other constituencies, yet you did not go to those MPs for advice.

Councillor Johnston: On a point of clarity, it is fair to say that it is not the case that the chief executive "deemed" Sammy Wilson and Ian Paisley to be local MPs; they are mid and east Antrim's local MPs. I commend the chief executive. She has a very positive relationship with MPs, as any chief executive should have with the local elected representatives for their area. In the evidence, the process of action taken by the chief executive in seeking communications with the Cabinet Office has been well rehearsed. She mentioned that she went to those two MPs, who advised her to contact Jeffrey Donaldson on the matter. Let us not beat around the bush: Jeffrey Donaldson is a very experienced MP, he has a long history at Westminster, and he has a lot of relationships. It is not unreasonable for any chief executive or civil servant to contact whomever they need to or do whatever they can to ensure that their communications are going to the right person. You mentioned Stephen Farry. I certainly have no relationship with Stephen Farry. However, he is a relatively new MP in

Westminster, and any expectation that he will have rapidly built a repertoire of contacts and relationships is slightly unrealistic.

Ms Donaghy: Chair, I want to build on that point. I have been a chief executive for over 12 years. I am apolitical; I work with the post. If the MPs for mid and east Antrim were from a different political party, I would still work with them. Over the 12 years, I have worked with 12 — soon to be 13 — mayors. I have worked with the 13 mayors equally and fairly, and they have come from a wide variety of parties. For me, it is always about the post and not the party. I want to put that on record.

The Chairperson (Mr McAleer): I quoted from the letter that you wrote:

"I have been advised by my local MPs, Mr Ian Paisley, Mr Sammy Wilson and Sir Jeffrey Donaldson".

The letter explicitly referred to Jeffrey Donaldson as your local MP. I am just pointing out what the letter said.

The second item that I want to mention is that, at the last briefing session, you said that you felt the letter was:

"not pertinent to the inquiry."

The letter specifically references issues relating to Larne port, and that is what the inquiry is looking into. How can you justify that that letter is "not pertinent" to this inquiry?

Councillor Johnston: I can answer that question. As we said in answer to a question in the last session, the Committee's inquiry is into our decision-making process to withdraw staff from Larne. Therefore, a letter that was sent confidentially from one official to another and that did not form part of the evidence considered on the day of the decision was, of course, not part of the evidence session. Actually, the chief executive cannot enter into evidence all the numerous communications from that period. It is really important to stress that the letter was not considered by any elected members during the decision-making process, and, for that reason, it was not deemed to be relevant to the Committee.

Additionally, the letter became politicised because it was brought to the Committee. Some members read from the letter during the inquiry. Therefore, under my instruction, the chief executive took the right course of action. She has been very open with the letter, and we are happy to do that. We mentioned being open and transparent at the start of the session, and, subsequently, the letter was ratified by full council on Tuesday night. Again, this is really important for the inquiry and for anyone who may be listening: in any circumstance where we have taken a decision as a council about the issues at Larne port, we have received unanimous support from every party, not just the DUP but the Ulster Unionist Party, the SDLP, the Alliance Party and Sinn Féin. Those votes are recorded, and the Committee is welcome to check them. It is important because we looked at that letter retrospectively, and its contents reflect the concerns that elected members in Mid and East Antrim Borough Council had for local businesses and people on the ground. The letter got full support, and rightly so, because those issues are not just for unionists or for Mid and East Antrim Borough Council; they are issues for all of Northern Ireland. We are witnessing that day in, day out. This Committee has a lot of seasoned, experienced MLAs, who, I am sure, are inundated with concerns from businesses, as I have been over the past couple of months. It is really serious. We are at the business end of this protocol at the minute. Certainly, as the mayor of this council, I can say that we will task the chief executive to continue writing those letters to Whitehall and the Cabinet Office expressing the feelings and concerns that we have in mid and east Antrim.

The Chairperson (Mr McAleer): Before I throw the meeting open to members' questions, I want to be clear on this: you got retrospective approval for the letter, but under whose authority or direction was the letter written at the time?

Councillor Johnston: As I mentioned before, the letter was confidential. It was written by hand, official to official. It was not a letter that we publicised or in which we were trying to make some grandstanding political point. It was sent in confidence. That is important to consider. Had it been sent by the chief executive and publicised as some sort of grandstanding exercise, absolutely, this inquiry would be right to think, "Maybe there was a political element." In fact, it was the complete opposite. The letter expressing our concerns was sent in confidence and marked "Confidential".

Let us be clear: Anne is a very proactive chief executive, and she is at the coalface of the issues and concerns of the people in mid and east Antrim. That does not stop when it comes to the port of Larne, which, we all know, has been highlighted in recent days in connection with the protocol.

Ms Donaghy: Let me add, Chair, that, prior to writing the letter, I had council approval to communicate and to continue liaison with the Government on any protocol implementation issues.

For many months, Mid and East Antrim Borough Council has received a monthly paper on the protocol and its implications. If we do not get the funding sorted, our council could end up with a 10% increase in rates — some £4.8 million. It would be a dereliction of my duty not to keep highlighting the governance issues, the finance and the fact that there may be charging at the port. We do not know how that will happen, who will do it or how much it will cost. There is no IT system. Therefore, I do not think that we can stick our heads in the sand and ignore these issues. I can honestly say that the implementation issues and concerns are completely separate from the health and safety issues of our staff. We would have taken the same actions if the health and safety issues had been with our refuse collectors or our planners. The issue arose at the port. All the implementation issues were highlighted in that letter.

The sad thing, and the very important thing that the Committee needs to hear, is that none of those issues has been resolved. As chief executive, that gives me sleepless nights. It also gives councillors sleepless nights, so much so that, on Tuesday night, in another unanimous vote — all 39 DUP, TUV, SDLP, Sinn Féin and Alliance Party council members — councillors voted that, because they feel so strongly that the risk to our businesses and ratepayers is so great, we should take legal proceedings to resolve the implications for mid and east Antrim. This is absolutely nothing to do with withdrawing staff from the port because of safety. It is a separate issue.

Councillor Johnston: I will just add to that, if I may. We do not take these decisions lightly. These are huge considerations for our constituents in mid and east Antrim, as they are for some of the constituents of members of this Committee.

We cannot stress this enough. There could be a 10% rise in rates. We are staring down the barrel of one of the most difficult economic situations that we have faced in decades. Businesses are on their knees. We do not know what the future for jobs will be in Northern Ireland. Just recently, I heard of businesses closing and moving out. We are looking at really uncertain and challenging times. The chief executive is quite right: it would be a complete dereliction of her duties if she were not to be screaming from the hilltops about a 10% rise in the rates, just to fund the environmental health officers (EHO) that we require at the port. It is serious stuff, and the more that I hear about it, I am actually quite glad that we are at the Committee today to present our concerns to it because, ultimately, you have a stake in this game, too. The idea of slapping a £4.8 million bill onto our ratepayers, for me personally — I can certainly speak for my colleagues — is just untenable. There is no appetite for it. Some political parties are calling for the rigorous implementation of the protocol; this is what it looks like.

The Chairperson (Mr McAleer): I want to get back to the inquiry. I have six members looking to ask questions. Is that OK?

Councillor Johnston: Certainly, yes.

Mr Blair: I cannot start without saying that I do not think that any of the comments made by the mayor in his introduction about public commentary could be attributed to me. I have made no public comment about anybody's position or personality. In fact, I can show where I sought advice on what members should be saying publicly or in the Chamber through questions. I have a paper trail for that.

Councillor Johnston: That is admirable, because I think that that is the right way for the Committee to —.

Mr Blair: You did not say that it was every member, but, if anybody is being accused of that, it might be worth naming them, because it casts an aspersion on the rest of us. I hope that you understand my clarification there.

You referenced at the start — I totally appreciate it — the resource dedicated to this by the council. I do not have to tell you that considerable resource has been dedicated to the issue by the Committee and its members. We have to deal with a number of bodies during this inquiry.

You mentioned openness and transparency. I am with you on that, and I am sure that you will agree that accuracy is a vital component of openness and transparency. On the subject of accuracy, I draw your attention to points 56 and 57 in the paper that you submitted. The reference can only be attributed to me. It refers to questions asked about the letter to the Cabinet Office. At point 57, you say:

"The date of this confidential letter referred to by the Committee Member was not clarified by him."

That conflicts considerably with the Hansard report from that Committee, which shows clearly that, in my opening question, before anybody from the council spoke, I said:

"Will you confirm that you wrote to the Cabinet Office on 30 January 2021".

The date was stated very clearly by me. The Hansard report also shows that I went on to reference that date on three further, separate occasions. Can I request, in the interests of accuracy, that that record be amended to show that and that the Committee also notes that points 56 and 57 of the paper, with respect, are not accurate? The Hansard report is publicly available, by the way.

Councillor Johnston: Yes. Thanks for your question. Before I pass to the chief executive, I want to reiterate the point that you have made, John. You are quite right: this is an inquiry. I am certainly on the same side of the fence as you. We are both elected members, and one of our primary roles and responsibilities is scrutiny. That is our job. As elected members, we should take pride in that.

You mentioned, too, that a lot of resource has been put in from your side, and we are kind of on the same page on that, John. Your Committee is dealing with a climate crisis at the minute. A lot of issues are coming through with regard to the environment, and there is also Brexit. Yet, in the middle of this, with all due respect to the Committee, we are spending significant hours — you can see the amount of documentation that has been submitted — on preparing a detailed step-by-step account of what happened and who said what.

For example, this week, I have been out trying my best to help businesses as they get their shutters open, coming out of what has been one of the most difficult of times, yet, again with all due respect to the Committee, rather than me being on the ground helping those businesses, and getting the economy going again in mid and east Antrim and getting a bit of revitalisation back again, we have had to commit significant time to sitting in an office looking back over what was said. That, for me, is the challenging bit.

I am happy to pass over to the chief executive if there is anything that she wants to add.

Ms Donaghy: John, I did not think that I would see you again so soon, but it is good to see you. I will check that out, and, if it is inaccurate, I will change it. Thank you for drawing it to my attention.

Mr Blair: Check the Hansard report, and I mentioned the date.

I will move on to my questions. It seems to me that the first time that elected members were briefed properly or officially on threats, or perceived threats, was at the group leaders' meeting on Monday 1 February. I would like clarification, and I know that some of this is referenced in your report today, but, at that meeting with group leaders, prior to the decision taken to withdraw staff, did you reference the letter to the Cabinet Office or intended correspondence or previous correspondence with the AERA Minister?

Councillor Johnston: I can answer that quite quickly for you, John. The answer is no. There was absolutely no reference to that letter.

Mr Blair: At the group leaders' meeting?

Councillor Johnston: Ever. The first time the letter was made public was on social media after the evidence session a couple of weeks ago. It was subsequently ratified on Tuesday by full council.

Mr Blair: OK. On that communication, and by communication, I mean verbally or in writing, formally or informally, some would argue that a letter of some importance was sent to the Cabinet Office and a very important email was sent to a Government Minister. I am not clear whether those things were

shared with members. If they were not shared with members, the obvious question seems to be: on whose behalf were they written?

I want to clarify something about the evidence given today: were those items of correspondence, either to the Cabinet Office or to the AERA Minister, communicated to you as mayor so that at least someone other than the chief executive was aware of the correspondence that was being sent? Were you briefed on that or copied into that at any stage?

Councillor Johnston: There is one point that I want to come back to you on before I answer. The letter was sent from official to official. That is the important part in this. One of the things that I take pride in and that Anne, as chief executive, can take pride in is that she has her finger on the pulse. She knows the mood of her council. If I were Anne sitting here today, or maybe even on Tuesday night, I would probably feel slightly vindicated because her letter got unanimous cross-party support.

What is admirable about her approach is that when we were first presented with the information on the day, we were given facts. We were not presented with the letter, we were not briefed on the letter, and we were not told about the letter. You are right: it is strong. When I read it, it was my opinion that it reflected the conversations that I am having with businesses. However, it is important to stress that when we took that decision, it was not a political decision, and the letter had absolutely no bearing on it.

Ms Donaghy: I said earlier that the council has made it clear that we are at the coalface. We have one of only three border control posts in Northern Ireland. The difference is that we never had a border control post, so you can imagine what it has been like trying to get it sorted out. All those issues that were written about were points for discussion with one official to another, and they had been raised by other councils. It is on the heat map in the appendix to our submission from the 11 councils on the group that I chair. Moreover, I have written, as instructed, to the Duchy of Lancaster and the Secretary of State on all the same issues from the council.

There was nothing new in that. It was about trying to get a resolution to the issues. There is a clear line of previous letters that were similar to that letter, John.

Mr Blair: You said that you had written, "as instructed". It is clear to me that you could not possibly have been instructed if the council was unaware of the letter, at the group leaders' meeting or at the full council meeting, and considering that it did not ratify the letter until approximately three months after it had been sent. I am going to ask you again: for absolute clarification: was even the mayor, in his position, briefed on or copied into letters or emails to the Cabinet Office or the AERA Minister over the weekend from 30 January to Monday 1 February?

Councillor Johnston: No, John, I was not, and I am glad that I was not. There are two reasons for that. First, because the Committee could, quite rightly, say to me, "Listen, mayor, you sat in on the meeting that day. You were in receipt of that email. You were certainly biased in your decision-making process". The Committee would be within its right to say that to me. Secondly, and I know that it is with hindsight, but we now have had cross-party support for the letter from the Alliance Party, the DUP, the UUP, the TUV, Sinn Féin, the SDLP and even our independents. They all voted unanimously for the report that contained the letter. Hindsight is a wonderful thing, but that is saying to Anne, loud and clear, that if it had been the other way round and the letter had been rejected by council, this would be a different Committee session for Anne.

Ms Donaghy: John, before I wrote the letter, I had generic permission to continue to correspond with the Government in relation to the implementation of the protocol and our ongoing concerns. It is a reserved matter; it is not a devolved matter. Therefore the lead Department is the Cabinet Office, and the Minister for the Cabinet Office is the Chancellor of the Duchy of Lancaster. I had that permission, and my council was well versed on that.

Mr Blair: I am grateful. I am aware of time, so I will ask one final question. The task before the Committee relates to a series of events, some might say coincidences, up to and including the evening of 1 February, when in and around the same time as a council was deciding to withdraw staff, a Minister was deciding to withdraw staff, and, according to my recollection of media reporting, the First Minister was about to go into a meeting or discussion with the Chancellor of the Duchy of Lancaster. All those events came together on the evening of 1 February. Prior to that, the chief executive wrote that letter to the Cabinet Office in which she said:

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

Chief executive, whether or not the information was shared with the mayor, what was your evidence in relation to that paramilitary involvement? How did you become aware of that paramilitary involvement to the extent that you were able to put it in writing to the Cabinet Office, even though the PSNI has said, clearly, and repeated it today, that, as far as it was concerned, any evidence presented was uncorroborated and unsubstantiated?

Councillor Johnston: I say this with the utmost respect for yourself and the Committee: there is a fine line that we can tread. Today, we are here to give evidence on the three evidence subjects A, B(i) and B(ii), albeit I realise that there is the temptation to go back and ask more questions about the evidence that was given at our first session. I am aware of time, but I am happy if the chief executive wants to answer that question. On the day, we were given lots of information from grassroots. I would not expect any civil servant to expose resources. It is the job for us as elected members to corroborate all the data and information and take a decision. I want to make sure that we focus on the issue of point A, which is whether we had contact with the police with regard to the letter from the union; point B(i), with regard to having sight of the letter to the Cabinet Office, in Anne's role as a SOLACE representative; and B(ii), providing our views on the content of the letter. I want to be clear on that.

Ms Donaghy: John, I am happy to go back and give you a little more clarity. In evidence given two weeks ago, I made it clear that I had reported it to the PSNI and that I was made aware of it at a political grassroots level. I have been a chief executive for over 12 years, and my elected members are well connected to the community. I know a lot of community representatives. Nine times out of 10, there is something behind what they say. Therefore, I accept what I hear from them until it is proven otherwise. I asked for the formal written threat assessment from the super on the Monday. I spoke to him over the weekend. It was not made clear to me that that was not the case. I was merely reflecting the position at the time of writing.

I am delighted for my staff — you cannot begin to know how pleased I am — that the threat assessments continue to be low. However, if it changes, we will be back in the room. Our risk assessment is reviewed every week. They are 12 young people. I am a mother: if it were one of my children working in the port, I would be concerned. You have to be responsible and take seriously your duty under the Health and Safety at Work Act. Nothing will ever come before that, for me. All I was trying to do was reflect, at a point in time, what the issues were. Sadly, all those implementation issues have not been addressed.

Councillor Johnston: Just to finish on that point, we heard today, John, from the PSNI and it now acknowledges that the rising tensions in the community. I want to go back to what I said at the previous evidence session, because it remains true: we have to take a "safe, not sorry" approach every time. We appreciate that the PSNI now acknowledges the rising tensions. However, we cannot waste time delving into the source and detail of those tensions, as it is taking a risk with our staff. On the day, we had to take a firm decision, which I felt was well informed. Importantly, and this is getting back to the case in the letter, it was certainly not prejudiced by the letter sent to the Cabinet Office.

The Chairperson (Mr McAleer): Thank you. We need to move on.

Mr McGlone: Thank you very much indeed. It is good to see you back. There are two or three things that I want to draw to your attention. There is now considerable focus on the letter in the media as to whether it was relevant or pertinent to the withdrawal of staff. I listened carefully, Mr Mayor, to you say that the safety of staff was paramount.

Councillor Johnston: Yes.

Mr McGlone: The letter says:

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

You appreciate that it becomes very salient and relevant to those of us who, collectively, have concern for staff and concern for anyone who might be at risk from paramilitaries. That is at the very core of our being.

Different dates have been mentioned in relation to this letter. I come back to the authority of the letter. Who suggested that it should go, or brought it, before the council to receive retrospective approval?

Councillor Johnston: I will take that one, Patsy. It is good to see you again, too. On your first question, I feel that we are going over some of the things that we have already gone through in the previous meeting. However, it is important that we can, and I am happy to reiterate those points today.

I hope that the Committee can appreciate that it is Anne's role as chief executive to bring information to us, and, as elected members, we take the decision based on that information. We have the benefit of a chief executive who has been in the role for 12 years; she is very experienced and knows what she is doing. I want to make two quick points on that. The first is this: if Anne — I am putting a situation to you here, Patsy — was made aware by an elected member or by a grassroots source of a threat, be it paramilitary or non-paramilitary, or a risk of rising tensions, and she did not bring that to the council, I would be asking questions. Going back to the point that the council needs to hold Anne to account on the matter, I would say, "Listen, chief executive, you were made aware of that threat". Let us be clear: Anne is not in the PSNI. It is not for her to investigate or corroborate a threat; it is her role to bring it forward to us and for us to make a decision.

I realise that I am going into the details of council business, but I think that it is important for the inquiry to consider it. Maybe it is tempting to dwell on the word "paramilitary". The fact of the matter is that Anne was given information. We had all received information. Part of it was an understanding that there was paramilitary involvement. We considered that. We took the "safe, not sorry" approach. Then, we waited for the PSNI threat assessment four days later to say that there was no level of threat. We welcome the fact that, today, the PSNI has distinguished between risk and threat. That is the fine balance that we have to tread as a council, particularly when it comes to the safety of staff. I am happy to clarify and reiterate that, should we be in the same situation again, I, as an elected member, would expect Anne to bring that information to us, regardless of its source or whether a Committee, or whoever, with hindsight, decides to question its credibility. That is important. I just wanted to make that point.

Mr McGlone: You have not answered the question. Who decided that the letter needed to be brought before the council for retrospective approval?

Councillor Johnston: There was an item on the agenda. It was in closed council. I will not go into the details of what happens in closed council because that is a matter for the council. The items that go onto the agenda are also a matter for the council. I am sure that, Patsy, you will be aware that, when a full council meeting comes up, there is quite a rigorous process between me, as the mayor, and the chief executive on what goes onto the agenda and what is to be considered. That is a matter for the council.

Mr McGlone: Therefore, the answer is that you, the mayor, and the chief executive decided to bring it onto the agenda for retrospective approval.

Councillor Johnston: I am the mayor and, yes, I chair the full council meeting and, if you like, set the agenda. I am not sure where you are going with the question, but the fact that the letter was on the agenda and has now won full, unanimous, cross-party support is significant, in my opinion.

Mr McGlone: It was approved retrospectively after having been put on the agenda for approval by you. That is what you are telling me.

Councillor Johnston: Yes. It is quite clear —.

Ms Donaghy: Can I clarify that, Patsy? I have said this a few times, but I will just clarify it: a considerable time ago, the council gave me, as chief executive, permission to continue liaising with the Government on the implementation, concerns and challenges of the protocol. I therefore clearly was able to do that and had approval. For many months, we had been writing letters to the Cabinet Office, the Cabinet Office Minister, the Secretary of State, the Prime Minister, DAERA, the Food Standards Agency (FSA) and the Food Standards Agency Northern Ireland (FSANI) to try to get the implementation issues covered.

I will give you an example of the pressure that I am facing. I have 12 EHOs at the port at the minute. I am like the Chief Veterinary Officer. I am in the same position as Robert, because he is also feeling

the pressure of from where he is going to get staff. First, it is not a job that everyone wants. Secondly, FSA told me that, using its volumetric, I need a further 56 environmental health officers and four supervisors. From where am I going to get 56 fully trained environmental health officers to do the full inspection regime? We are not carrying out those inspections at the minute because we are in the grace period. I am very aware that the grace period finishes in October.

I will bring my worry back to you, Patsy. As I said, the grace period finishes in October, and EHOs have to undergo a three-month training regime to be able to do the checks from the EU side. That is carried out by DAERA and the FSA. To get people into post, I need a six-week period to advertise in order to get them and then a three-month period in which to train them, before 1 October.

My second problem is that no one has been able to tell me what I am expected to deliver at the port come 1 October. Will it be 100% of checks or will there be phased integration of checks? Where is the money coming from? If you were in my position as chief executive, you would be flagging up the issues to anyone whom you could, and especially to the Cabinet Office, which has the responsibility.

Mr McGlone: Yes, I probably would. This is my observation. You felt that you had the authority to write the letter, yet there was a requirement to seek retrospective approval for writing it. That is as far as I will go on the letter.

Secondly, I want to discern the difference in the roles, because, as the chair of a SOLACE committee, you are representing its views and opinions. SOLACE has said that it was not consulted about the letter. The reason that I think it would have been relevant, pertinent and salient for you to have consulted on the letter is that we heard from two other chief executives, from Belfast City Council and from Newry, Mourne and Down Council. They were in a similar, albeit not quite as intense, position as you, but they were potentially facing similar circumstances. If you were, in fact, acting in your role as the chair of the SOLACE committee, is there any particular reason that you did not consult the other chief executives to establish what issues were being faced at the ports in their local government jurisdiction?

Councillor Johnston: Patsy, that is a good question, and it almost makes the point. I am happy for Anne to provide a bit more detail, but the reading of the evidence for the SOLACE issue shows a group of chief executives who are working together and giving one another roles, autonomy and responsibility to pursue different issues. You will have seen that SOLACE has different working groups. The evidence demonstrates a desire for people to do whatever they have to do to get the job done. I realise that you are potentially wanting to politicise the letter, when that was never intended. If SOLACE or other chief executives choose to distance themselves from the comments, tone or message of the letter, that is for them to do. From my perspective, however, the letter is reflective of the concerns that I am hearing on the ground. I talked about the benefit of hindsight, and, in hindsight, the letter is certainly reflective of what we have seen. We, as elected members are concerned that we are staring down the barrel of a 10% rates rise if we do not get the issues at Larne port sorted out.

Ms Donaghy: And —.

Mr McGlone: I can regard that if you are writing as Mid and East Antrim Borough Council.

Ms Donaghy: I —.

Mr McGlone: We have heard about parallels and crossovers between Mid and East Antrim Borough Council and SOLACE. Two SOLACE representatives have told us that they were not consulted about something that ostensibly was written on their behalf. It would have been pertinent, or relevant, to use your own word back at you, Anne, to consult them on issues that would have been following on and happening there, and potentially up in Derry, too.

I am trying to establish why a very significant letter was written to the Cabinet Office reflecting the views of Mid and East Antrim Borough Council, ostensibly written in the capacity of a SOLACE representative, yet the other councils, which were potentially facing similar issues as you might have been experiencing in that area, were not even consulted about the basis for that letter.

Ms Donaghy: Patsy, I am very happy to answer your question. I will begin by saying that I am one of the longest-serving SOLACE members, so I understand how it works. I have chaired numerous groups over the years, too many even to mention.

What I will say is that SOLACE has no administrative support. With the support and approval of my council, of course, I have always done my own administration and carried out the services of those groupings, as has every other chief executive.

In appendix 4, I have provided examples to the Committee that demonstrate the custom and practice of writing to external bodies and partners as the chief executive of Mid and East Antrim Borough Council while also the chair of a SOLACE group. The appendix demonstrates the dual role, and you can read the examples at your leisure. That is the custom and practice for other chief executives also, and you will see that in the appendix as well. It demonstrates the crossover and overlap between the role of council chief executives and the additional roles that they take on voluntarily as chairs of SOLACE groups.

For the chairs of working groups, SOLACE has no standing orders or operating proceedings for writing letters or issuing letters, and there is no approval mechanisms for letters. There are no parameters, and it is left to individual interpretation and professional judgement. As chair of the EU task-and-finish working group, I had a very heavy workload to do in a very short time, as you know from the announcements made. That is demonstrated by the fact that there were five meetings of that group from 14 December to 28 January.

I was dealing with what was a very complex, evolving and concerning issue. I carried out my duties as chair in line with the terms of reference and under the direction of the chair of SOLACE, who had said to me to get on with it. I clearly communicated with SOLACE on 8 January; on 15 January, when I called the meeting myself; and in the report on 26 January about the ongoing process, which I provided in my evidence.

In writing the letter to Mr Threlfall in the Cabinet Office on 30 January, I introduced myself, if you read the letter with me, as:

"the Chief Executive of Mid and East Antrim Borough Council with responsibility for the Implementation of the NI Protocol at Larne Port".

I then advised him, Patsy, that the letter was written "in confidence". I also identified myself as:

"the Chair of the NI EU Exit Task & Force [sic] Working Group".

The letter contained a range of operational issues and practical examples from Larne Port. The operational issues and protocols did not, as we have said, form any part of the decision-making process on the withdrawal of our staff from Larne port on health and safety grounds. That letter was about implementation.

I can confirm that, at the time of my writing to Mr Threlfall, I had the council's permission to write the letter. It had given me permission to write to government about challenges for the implementation of the Northern Ireland protocol. Since my previous appearance at the Committee, and in the light of the misrepresentation and politicisation of it, I took the confidential letter, with the permission of the mayor, to Mid and East Antrim Borough Council, at which it was endorsed unanimously on a cross-party basis, and we have already told you that. In addition, Mid and East Antrim Borough Council has further instructed me to continue to communicate with Cabinet Office officials, because the Cabinet Office is the body in charge of implementation and oversight of the protocol.

It is disappointing to me, as a long-standing chief executive, that SOLACE did not include all the available evidence that was given to it on the matter. I am very disappointed that it did not agree to my request to bring along as my aide the local government liaison officer who has worked by my side. That having been said, Patsy, some three months on, none of the implementation issues that were outlined, I have to note, by the 11 councils have been addressed. You will see that in the risk assessment. The local government liaison officer updated that document numerous times and contacted all councils, so those risks were coming from right across local government. They were shared with SOLACE. What causes me greater concern and gives me sleepless nights is that the implementation issues are not being addressed. I am sure that my chief executive colleagues have the same concerns, especially the ones with the ports. Larne port is slightly different, however, in that we did not have a border control post. Belfast has had a border control post since, I think, 2000. It is therefore somewhat different. Every council area is different, as you will know, Patsy, being from the Cookstown council area. That is what we are like in Northern Ireland.

I will finish off by saying that the elected members have agreed that those are serious issues. The focus now needs to be on how we collectively, as Northern Ireland, get the implementation issues solved. Perhaps the Committee can help in some way.

I can confirm that SOLACE Northern Ireland had no input into Mid and East Antrim Borough Council's decision to withdraw the staff. What the inquiry is about is the withdrawal of the staff from Larne port. SOLACE had absolutely nothing to do with that in any way. Once again, I will say that there are two separate issues. One is about the health and safety of our staff. We took all decisions on that through the right process. We received cross-party approval, waited on the formal written threat assessment, did our risk assessment and got our staff back in. That was absolutely nothing to do with the letter that was written to the Cabinet Office. It was done completely in parallel. I know that I have said this a few times, but I cannot stress it enough —.

The Chairperson (Mr McAleer): Folks, we need succinct answers, please. We have more members who wish to speak, and we have only 10 minutes left.

Councillor Johnston: Chair, I wish to make the point —.

The Chairperson (Mr McAleer): We are about to run out of time, and there are more members who want to come in.

Councillor Johnston: Is it possibly the case that the Committee has been looking for a smoking gun with the letter? We now see that it is not the smoking gun that it was looking for — in fact, the letter has gone through the council — so is the Committee perhaps delving into areas such as, "When was that said?", "What was the time?" and, "Who put it on the agenda?"? I ask you, Chair, perhaps to bring that issue back in. I would like to ask the members what relevance that has to the three points of the inquiry. You are quite right: we have 12 minutes left. As much as we would like to get in more, we have spent considerable time focusing on the letter, which, unfortunately, has not been the smoking gun that the Committee had hoped for and is instead a red herring.

The Chairperson (Mr McAleer): OK. I am going to move on here.

Mr Irwin: I thank the mayor and the chief executive for returning to provide further clarity today. I am extremely embarrassed that you have been brought back at a time when, I am sure, you have many more demands on your roles. I apologise for the way in which you have been personally treated throughout this entire witch-hunt by some members of the Committee. I, like many, have been absolutely appalled by the conduct of some of my colleagues, who have been firing out statements left, right and centre and appearing on radio programmes to talk about the issue.

This is meant to be a fair platform for giving evidence about the rationale of a decision to withdraw staff from a port. I do not know how this inquiry can have one inch of credibility when, halfway through the inquiry, there are calls for your head to roll over an issue that is a side issue, about a letter that is irrelevant and that looks irrelevant to the decision that you made. Of course, this was also followed up by the appearance of political representatives on 'The Nolan Show' last week, which was nothing more than a bashing session for half an hour and a shocking, one-sided and completely unjustified attack on your character. I am disgusted, and I put on the record my thanks to you for your extraordinary work and leadership.

I want to ask you one question, Anne. Faced with the same circumstances again, would you take the same course of action?

Ms Donaghy: First, William, thank you for the apology and thank you for telling me how you feel. As you know — I hope that you know — I take my role as chief executive very seriously. I work very hard and always do the best that I can for the people whom I serve. In the way in which I operated — the phone calls, the correspondence, all the information that I passed on to the PSNI and all the information that I brought to the group party leaders and to the council meeting — I did the right thing. It was, after all, the elected members who made the decision. Faced with the same set of circumstances again, I certainly believe that our elected members would make the same decision on a cross-party basis. We have a chamber of level-headed, skilled elected members who absolutely know when things are real and when things need to be considered. Mayor, do you wish to add to that?

Councillor Johnston: Yes. I reiterate what the chief executive said, William. I really appreciate your comments and your understanding of what we go through. Inquiries themselves and bringing in people to give evidence to them may be routine for a Committee. I am certainly not suggesting that it loses significance, but, for us — certainly for the chief executive — this has been an extremely stressful process. It has been a process that has distracted the chief executive from her role, which we, in Mid and East Antrim Borough Council, need her in. We need her to be leading the council, leading the council area's economic recovery and leading the charge as we come out of the COVID pandemic. Let us not forget: we are still in a pandemic. We still have far to go. Really disappointingly, for businesses and for constituents, we have now lost precious time with the chief executive at the helm. With regret, I have to say — you mentioned this as well, William — that this has turned into a witch-hunt. In my role as mayor, I want to protect the chief executive, so I have to refute anything like this. We need a chief executive who is functioning, is firing on all four cylinders and is not distracted every time that a decision is made or a letter is sent. On that basis, we could be back in here every other week, and —.

The Chairperson (Mr McAleer): May I come in here? I reiterate once again that this is not a witch-hunt. We are concerned because, if you are not implementing the tasks under the protocol and in the international agreement, it will disrupt our east-west trade. This is not a witch-hunt. We are legitimately researching and investigating this matter. The member's apology was not made on behalf of me or the Committee. We are literally doing our job. We have a statutory responsibility to do this.

Mr Irwin: Mr Chairman, I have been a member of this Committee for 14 years, and, in all that time, I have never seen politics being played like this. Members of this Committee went on to the radio and made accusations. We should be a sensible Committee that is responding to and asking sensible questions of the chief executive, but when members of the Committee go on to the radio and call for her resignation, which is totally outside their remit to do, it is ridiculous, and I think that you would accept that.

The Chairperson (Mr McAleer): Thank you, William.

Mr McGuigan: I thank the mayor and the chief executive for coming along today. I thank the mayor for his concern about the Committee's workload and for his advice on how we should carry out our work. I want to assure the mayor that, as members of a Statutory Committee, we are well aware of our workload, and that we will carry out our duties as and how we see fit on the important issues that we see fit to investigate. We see this as being an important issue, and that is why we instructed ourselves to carry out an inquiry into how the decision was made. We will ask questions of whomever, in the manner that we need to, in order to get to the bottom of the decision that was made.

I note that the mayor in his lengthy preamble, before he was concerned about the time, talked about the quantity of evidence provided by Mid and East Antrim Borough Council. I can assure him that we are well aware of the quantity and number of pages of evidence submitted to us on behalf of Mid and East Antrim Borough Council. As a Committee, however, we are concerned about the quality of that evidence, and that is what this inquiry is about: dissecting quantity and trying to find quality of evidence.

Mayor, you said that the councillors' decision on that night was, and is on any given night, based on information provided to you by the chief executive. Once again, I put on record that, since that decision was made, among the evidence that we have gathered, both oral and written, some of the information provided to us by your council and put before councillors that night has been refuted. It has been refuted by trade unions, SOLACE and the PSNI. Some of the evidence was last week refuted by the chief executive of Belfast City Council. Our job is to go through all of that, listen carefully and discern who is telling the truth and why decisions were made.

Today, we have heard from you and the PSNI. The PSNI indicated clearly that Mid and East Antrim Borough Council was confused about the nature of gold command meetings compared with that of sectoral meetings. PSNI representatives also said that you were confused about the difference between risk assessments and threat assessments. Between the previous time that you came here and today, you provided incoherent and inconsistent evidence about on whose behalf and on what date the letter was sent. In her evidence, the chief executive said clearly to me that the letter —.

Councillor Johnston: Chair, sorry, but I am not sure what the question is. I am trying to take notes, but this seems to be more a statement than a question.

The Chairperson (Mr McAleer): Philip, go ahead.

Mr McGuigan: She said clearly to me that the letter was sent on 4 February, when it was not: it was sent on 30 January. She said that it was sent on behalf of SOLACE. SOLACE has refuted that. She had sent an email to the AERA Minister, in which she said that the letter was written on behalf of Mid and East Antrim Borough Council. Sitting here today, I am still unclear as to on whose behalf this letter was sent.

I want to ask a question. Mayor, given your concern about time, I will ask it directly of the chief executive, and I need only her to answer. We have already dealt with the issue of the PSNI's discrediting of the chief executive's allusion to paramilitary activity and paramilitary groups. In the letter written on 30 January, prior to the decision being made in Mid and East Antrim Borough Council, the chief executive says about her concerns:

"I have made the PSNI aware of the ongoing issues but I now feel compelled to take measures to protect the health, safety and wellbeing of my staff."

That was written a number of days before there was any discussion at council and before any councillor was made aware of the matter. Can I ask the chief executive what she meant, in that letter, by taking measures to protect the health, safety and well-being of the staff?

Councillor Johnston: First, Philip, you said at the start of your statement that all those different organisations and bodies have refuted information. That is not correct, and I take exception to that. For the benefit of doubt, when we attended the inquiry two weeks ago, I was happy to clarify on the issue of the separation of the unions and to make the point about the number plates. For you then to say that, all of a sudden, the unions and all those other bodies now refute that we should have —. You even had the PSNI in earlier this morning apologising and confirming that there had been communication with Mid and East Antrim Borough Council throughout, and that is commendable.

If I may, Philip —.

Mr McGuigan: Mayor, with all due respect, I do not need you to answer on behalf of the unions or the PSNI. We have gathered evidence from those groups. I would like the chief executive to answer the question that I asked.

Councillor Johnston: I hope that you will agree with this. You mentioned the lengthy evidence. I realise that we are coming to the end of the meeting. Do you accept, having had sight of all the evidence that you were given today and two weeks ago, that we, as a council, made the right decision on that day?

Mr McGuigan: The Committee will come to its conclusion following its inquiry. We are well aware that the same evidence was provided to other councils, which made different decisions.

Councillor Johnston: I am asking you personally, Philip, and I think it is fair for me to do so, because you were willing to come out quite personally on social media in the middle of the inquiry, If you want to put the record straight, this is a good opportunity. Do you believe, based on the evidence that you had, that we took the right decision on the day?

Mr McGuigan: Mayor, with all due respect, you are not asking the questions. This inquiry has its terms of reference. I am a member of the Committee conducting the inquiry. I am asking the questions today. The inquiry will come up with its report, and, as and when we do, you will have sight of that report.

I would like the chief executive to answer the question that I asked about her letter.

Ms Donaghy: You mentioned the chief executives of the other councils. I want to clarify again, Philip, that Larne port is a very different port. There is one way in and one way out. OK? The sinister graffiti that threatened staff by saying "All border post staff are targets" was only in Larne. It was not in Belfast. The chief executive of Belfast port confirmed at the DAERA meeting that the graffiti in Belfast referred to parties. Young staff had to drive past the graffiti in Larne. In addition, it changed over that weekend to multiple examples of graffiti. There is therefore a difference.

The other difference between Larne port and Belfast port and Warrenpoint is that, in Belfast port, officers enjoy the safety of a compound. Officers from Mid and East Antrim Council are not even within

the boundaries of the Larne port compound. They are outside, with one security person. You cannot compare apples to oranges, Philip. We — I, ultimately — have responsibility for the health, safety and well-being of the staff. It is a legal and a moral duty, and I will never walk away from my legal and moral duty.

Councillor Johnston: To put it differently —.

Mr McGuigan: With due respect, the issue that I brought up in my questioning was not about the differences between Larne and Belfast. We have assessed all of that. There is nobody on the Committee or outside of it who is not concerned about councils or Departments taking decisions on the basis of the safety of the staff. The mayor was pushing me about what I would or would not do. We are trying to get to the information and evidence that led to the decision.

When I raised the issue about the chief executive, it related to questioning the veracity of stuff that Mid and East Antrim Council submitted as evidence. We are not talking about the difference between ports. We are trying to get to the bottom of the evidence that you used. Was it accurate? Where did it come from? Was it influenced by politics? It is about all those things.

You wrote a letter to the British Cabinet Office. There is a lot of talk about its being confidential. I am shocked that an official would write that letter thinking that it should be kept confidential. Personally speaking, I am shocked. I have been around politics for a long time. I have never seen an official write such a highly political letter: a letter that, for example, could have been taken straight from the pages of a DUP manifesto or press release. I am shocked by the content of the letter. A council officer —.

The Chairperson (Mr McAleer): We are going offline.

Councillor Johnston: Chair, I have to interject. I take complete exception to that remark.

Mr McGuigan: I ask the chief executive once again —.

The Chairperson (Mr McAleer): Folks, we are about to be cut off by Broadcasting.

Councillor Johnston: It is a big accusation to say that a letter from a civil servant could appear in a DUP manifesto. I have to take exception to that. I would ask the member to withdraw that remark.

The Committee Clerk: Once we go offline, we have no privilege. Members will not be covered by privilege for what they say.

Councillor Johnston: That is highly politicising the role of a chief executive. I appreciate that he was not willing to answer my enquiry, and I realise that he is here to ask the questions today, so may I take a different approach?

The Committee Clerk: We are off-air now.

Councillor Johnston: Philip, would you like to apologise, given the evidence that has been given today and was given two weeks ago, not only to the chief executive but to Mid and East Antrim Council and to the 12 EHOs who have been kicked back and forth like a political football for the past 11 or 12 weeks and who have been completely dragged through this, unnecessarily in my opinion? The PSNI showed good leadership. It showed backbone earlier on. I would like to give you the opportunity, Philip, because I know that this is your *[Inaudible.]*

The Chairperson (Mr McAleer): Folks, we are offline. The meeting is over. We are offline. Broadcasting turned us off.