



Northern Ireland
Assembly

Committee for Agriculture, Environment
and Rural Affairs

OFFICIAL REPORT (Hansard)

Withdrawal of DAERA and Local Authority
Staff from Ports:
Mr Edwin Poots MLA, Minister of Agriculture,
Environment and Rural Affairs

3 June 2021

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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:

Mr Poots	Minister of Agriculture, Environment and Rural Affairs
Dr Robert Huey	Department of Agriculture, Environment and Rural Affairs

The Chairperson (Mr McAleer): I invite the Minister to give his briefing.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): Chair and Committee members, thank you. I appreciate the opportunity to discuss, in support of the evidence that was provided to the Committee by my officials on 15 April, the decision that was taken on 1 February 2021 to temporarily suspend checks on products of animal origin at Belfast and Larne ports. With the agreement of members, I would like to restate some of the key events that led up to and followed from 1 February 2021.

On Thursday 21 January 2021, my officials were alerted to incidents of graffiti in Larne that threatened port staff. On Thursday 28 January 2021, the Chief Veterinary Officer (CVO) represented the Department at a meeting of the Society of Local Authority Chief Executive (SOLACE) at which security was raised. During that meeting, a local government representative raised a concern about the seriousness of potential threats. On Wednesday 27 January, PSNI Assistant Chief Constable Mark McEwan spoke to the Northern Ireland Affairs Committee to express his concerns. The following day, a senior local government official contacted me to raise potential health and safety risks due to the threat to staff at the Larne port point of entry. I also had several discussions with my colleagues and a range of other stakeholders across Northern Ireland who reported threats that I assessed to be credible. Following those discussions, I spoke to the permanent secretary on 31 January and raised concerns about the safety of staff at the points of entry. I subsequently contacted the PSNI to provide more details.

As you know, the Department has a legal duty to look after the well-being of its staff under the Health and Safety at Work Act 1974, and I take health and safety issues very seriously. That was the reason why I spoke to the permanent secretary again on Monday 1 February, this time to formally register my concerns with him about the health, safety and security of DAERA staff working at the points of entry.

On Monday 1 February, at the request of SOLACE, I met the chief executives of Mid and East Antrim Borough Council and Belfast City Council. At that meeting, security concerns were highlighted, and there were reports of vehicle registrations having been recorded, threatening graffiti and younger staff, in particular, feeling threatened.

On balance and on the basis of the information that I had received from numerous discussions with various stakeholders, I was not convinced that senior members of the PSNI had a full understanding of the risks. I was very concerned about the risks posed to staff, and, given his duty of care to staff, I contacted the permanent secretary again on the evening of Monday 1 February. I made him aware that Mid and East Antrim Borough Council was already taking action, and I asked him to take action to protect staff from my Department.

I understand that, following that call, the permanent secretary spoke to the Chief Veterinary Officer to agree a way forward, taking into consideration the range of issues relating to the safety and security of staff. They then agreed to temporarily suspend physical inspections of products of animal origin at Larne. In a phone call with the permanent secretary, I indicated that I was content with the wording of the statement, which read:

"On the basis of information received today and, pending further discussions with the PSNI, DAERA has decided in the interests of the wellbeing of staff to temporarily suspend physical inspections of Products of Animal Origin at Larne and Belfast. The situation will be kept under review and in the meantime full documentary checks will continue to be carried out as usual."

As you know, at that time, I temporarily stood down as Minister in order to deal with my health issues, and Minister Lyons took over for a short period. However, as outlined by officials in the update that they provided to the Committee on 15 April, there were a number of significant developments in the days following the decision to suspend physical checks on the products of animal origin. In summary, they included a briefing provided by officials to my colleagues on the Committee; a verbal update to the Executive by Minister Lyons on 4 February 2021; attendance by DAERA officials at PSNI stakeholder meetings; the completion of a DAERA site-specific assessment; and the receipt of a formal written PSNI threat assessment. Those events culminated in the informed decision that DAERA inspectors would resume physical inspections of the products of animal origin at Larne and Belfast ports of entry on Wednesday 10 February.

You will appreciate that my request to suspend physical checks on products of animal origin was not taken lightly and that, given the potential threats that I had been made aware of, my decision was based on ensuring the health and safety of my officials, which is of paramount importance.

In addition, I was assured that the temporary cessation of physical checks on consignments of products of animal origin entering Belfast and Larne ports from Great Britain would not have a negative impact on biosecurity or animal health traceability. Given that assurance, I did not want to see staff put at risk in order to undertake those checks. Thank you.

The Chairperson (Mr McAleer): Thank you for that, Minister.

Mr McGuigan: Thanks, Minister, for attending. You highlighted that, on the day and time of the decision, you were stepping aside from ministerial duties. You had clearly put on public record your opposition to the Irish protocol. The inquiry has uncovered a letter from the chief executive of Mid and East Antrim Council to the British Home Office displaying a similar attitude to the protocol. We also heard from the PSNI about its assessment of the level of threat, which it deemed to be very low and which was based on graffiti and social media activities.

Given all that was happening around the time of your decision, Minister, what do you say to the suspicion that the threat to staff was exaggerated in some way in order to get a particular political outcome or to create tension around the Irish protocol?

Mr Poots: You are making a presumption that conflates two issues, which is an entirely false premise. I am dealing exclusively with the issues raised directly by members of staff and by people on the ground, such as public representatives, whom I consulted.

The first thing that alerted me to the situation happened on the Wednesday, when Mark McEwan made his comments to the Westminster Northern Ireland Affairs Committee. Subsequent to that, I made it my business to identify information to see what the situation was. I received a call on the Saturday from Mid and East Antrim Borough Council indicating its concerns. That was followed up on the Sunday with a further conversation with that official, and that was followed by a conversation with Assistant Chief Constable Barbara Gray. In that conversation — I am surprised that this has not yet been said — I was informed that Crimestoppers had received a report that came from a coded source relating to all this. I followed that up the next day with meetings with local government officials in Belfast and Larne.

There is a series of events that led us to the conclusion that we could not guarantee the well-being of staff. I put this to you: if you were in my position and you could not guarantee your staff's well-being, what would you do? Would you put them at risk? I certainly would not.

Mr McGuigan: When the Committee has gathered all the evidence, it will come up with its report on the matter. Clearly, in a situation like this, most people would expect the viewpoint of the PSNI to be paramount. Their assessment was that the threat was low.

You said in your evidence that you engaged with political colleagues and stakeholders to come up with an assessment of paramilitary activity in Larne. Given your election to the DUP leadership and the issues that have come out publicly about that, people would be interested to know who the stakeholders are that you engaged with throughout the process.

Mr Poots: Councillors and MPs.

Mr McGuigan: Were they able to give you a definitive rationale for paramilitary activity in Larne?

Mr Poots: They were able to give an indication of what things were like on the ground in their areas.

Mr McGuigan: Over and above the assessment of the PSNI?

Mr Poots: Over and above the assessment of the PSNI and in conjunction with what local police officers were saying. There seems to be some issue with information that was coming from police on the ground and police at a senior level. I gave you an example of where material that was raised through Crimestoppers did not become public. The police withheld that information from Mid and East Antrim Borough Council and Belfast City Council. That caused me concern.

I was absolutely horrified on the Monday when I learnt that the chief executive of Belfast council in particular had not been made aware that something had come from a source that was not just someone ringing in to Crimestoppers but a source that, I believe, had a code and it was not reported. If the senior levels of the PSNI were holding back information, that is for them, not me, to answer.

Mr McGuigan: Finally, with your indulgence, Chair, the issue is connected in the sense that its outworkings are designed to politically impact on the protocol. Minister, is your refusal and that of DUP ministerial colleagues to attend North/South Ministerial Council (NSMC) meetings, as set out in the DUP five-point plan, in conflict with your Pledge of Office and the ministerial code, which require participation in all aspects of the Good Friday Agreement?

Mr Poots: At no point have I refused to attend North/South meetings.

Mr McGuigan: Similarly, people using the excuse of scheduling not to attend can in some way be seen as exaggerating threats to withdraw staff from Larne port. You can see how all that can be connected.

Mr Poots: That is a further conflation. I have absolutely no issue with fulfilling all my ministerial responsibilities under the ministerial code, and I have every intention of doing so.

Mr McGuigan: A refusal to attend North/South Ministerial Council meetings would be at odds with your Pledge of Office.

Mr Poots: That would be right if I refused to attend North/South meetings, but I have not done so.

Mr Blair: Thank you, Minister, for being here. It has been mentioned that, since we last met you, you have been appointed to the position of leader of your party, and we wish you well with that. I wish you the very best in your work with others at all levels and with the sectors covered by the Committee. The clearer the picture the Committee can build, the more easily we can reach the conclusion of the inquiry and, hopefully, the better the result will be.

It is clear that there were a number of consultations over the weekend leading up to Monday 1 February with officials from Mid and East Antrim Borough Council. There was a series of events on the evening of Monday 1 February, with the council's decision and the decision that you made, and the First Minister was about to go to a meeting with the Duchy of Lancaster that evening. Was there any point when the discussions became a coordinated effort to make that decision?

Mr Poots: I was aware of the recommendation that was going to Mid and East Antrim Borough Council. That put me in a fairly difficult position because, if the council's security assessment was such that it would withdraw staff, why would mine be different? I would need to have demonstrated to my members of staff that I was absolutely certain that there was no risk, and that was not the position that we found ourselves in. The actions of Mid and East Antrim Borough Council had an impact on our actions as opposed to our having a coordinated approach.

Mr Blair: OK. I am keen to establish if there was a level of coordination in the decision-making, and I am sure you will understand my reasons for that. I am also aware that the coordination may have been about the fact that the staff working for the different agencies were linked.

I will move on to my second question. The Committee was told that you made the comment, and you alluded to it today, that the police may not have had a full understanding of the level of threat. Did you make an approach, and you might have mentioned one, or are you aware of any approaches that have been made by the council or others to senior police officers to discuss the level of threat and to try to persuade them otherwise?

Mr Poots: Yes. I spoke to Assistant Chief Constable Barbara Gray on the Sunday. It was during that conversation that I was made aware of the threat that had come through Crimestoppers. It was a coded threat, and the fact that there was a code with that information caused me much more concern. That gave me additional concern. I was really annoyed, to be frank, that the police had not shared the material with Belfast City Council and Mid and East Antrim Borough Council. The police have a duty to ensure that the councils, which also have a duty of care for staff, are fully aware of everything that is going on, so it struck me that that sort of material should not have been withheld from the councils at that point.

I had that information. Police officers on the ground were telling our staff that there were problems and credible threats, and I had picked up that information. I picked up from others that police officers on the ground were talking about credible threats. The information being forwarded to the councils and us from the most senior police level was not tying up with the information that I was picking up on the ground from police officers who were further down the food chain.

Mr Blair: I hope you do not mind me teasing that out a bit. You are aware that the assessment of the level of threat has not changed in the months that have passed since that occasion. Therefore, what are your reflections on the fact that the police will still say that reports of a level of threat due to, for example, paramilitary involvement are unsubstantiated and uncorroborated?

Mr Poots: Since that period, there have been sustained levels of violence about the Northern Ireland protocol on the streets of Northern Ireland. That has not happened for many years. Unfortunately, the police did not pick up on that possibility either, which concerns me. In one of the conversations I had with the police, they talked about social media. Actually, I think that was at a meeting I had with the Northern Ireland Executive and the PSNI. The PSNI referred to taking intelligence from social media. I am sorry, but police intelligence should be better than having to take it from social media. Police intelligence sources should be on the ground picking up information. I know that police officers had picked up and expressed that intelligence at a lower level. If I am picking up that information, I do not

care whether it is coming from the Assistant Chief Constable or police officers on the ground; it is of concern to me if it is coming from the police, irrespective of rank.

Mr Blair: OK. Thank you.

Mr Harvey: Minister, you are welcome to the Committee today. Had you been made aware or were you aware of any concerns raised by staff at any stage or time? The protection and safety of our staff is paramount, and mental health concerns need to be taken into account along with physical risks and safety at or away from work.

Mr Poots: OK. Give me a moment. I have a number of emails because I requested information on that. I want to avoid using any names here. This was to senior members of staff:

"I note the concern below, especially PSNI officers saying credible threats from loyalists and that staff need to be wary. I will raise this at stocktake tomorrow".

A further email says:

"Fresh signs up at the main roundabout in Larne harbour, 'No Irish Sea Border', etc. Staff are concerned about using their own vehicles to go to [a particular location]. We have only one portal van. I have a request to BOR through another individual for more DAERA vehicles. Can you help to push this request through? Another option would be to provide a spare DAERA vehicle to the portal at Larne if any such vehicles are available".

If you did not have any concerns, you would not be making these expressions. This is another email:

"I will issue to staff, but I have been told by some staff in Belfast who have connections with PSNI officers that these are credible threats from loyalists and that staff need to be wary. These letters are not really doing much to alleviate these concerns. It leaves managers on the ground in a difficult position. As well as this, staff have told me today there are three signs at different flyovers in a row midway up the M1, with 'No Irish Sea Border' hanging from them. They weren't there yesterday. I have spoken with — and he also shares these concerns".

There are further emails.

You can see, first, that staff were concerned; secondly, that staff were talking to the police on the ground; and, thirdly, that police on the ground were saying to staff that there were credible threats. Am I, as Minister, to ignore those things, or do I recognise that my staff are expressing concerns?

I am really surprised that the Committee is doing this. I am really surprised that the Committee does not care enough about my staff and does not share my concerns about their safety and well-being. The Committee has engaged in what I view as a politically motivated and politically driven inquiry. Staff should be our number-one concern; they are my number-one concern. I hope that the majority of the Committee — in fact, the whole Committee, not just the majority — feel that their number-one concern is the safety and well-being of staff. Those staff were expressing their concerns to me, and we pulled them out for seven days. It had no impact on anything, yet the Committee is having a full-blown inquiry. It strikes me as an awful waste of time and resources, because I can absolutely and totally stand over the decision to remove staff temporarily until we had ascertained further information and had absolute clarity before putting them back in again.

Mr Harvey: Thank you very much, Minister. There certainly seems to have been a lot of good feedback from staff. You said at the end that there was no impact from staff being removed. Is that right?

Mr Poots: That is correct.

Mr Irwin: I thank the Minister for attending today. The Minister will be aware that there were tensions in relation to the protocol across Northern Ireland; indeed, in my constituency, the PSNI contacted me to warn me of threats to my personal security, as I was supposed to have voted for an Irish Sea border. There certainly were tensions across Northern Ireland. After the threats at Larne harbour and Larne port, was security increased in any way?

Mr Poots: Yes, it was, and the police stepped up security around it and had more patrols. I was aware of the threat that was made against you and two other councillors, I believe, in the Newry/Armagh area. I was also aware of graffiti that ended up very close to representatives in the Belfast area. Further to that, a member of staff who was working at the ports had to move out of their home because of the threat against them. That move took place under the special purchase of evacuated dwellings (SPED) scheme. You do not get the SPED scheme unless there are credible threats.

I am sorry, folks, but the evidence is not of someone doing something for a political purpose. The evidence — credible evidence — is that there was a credible threat against staff and that was being fed through the PSNI, particularly at the lower levels; that staff, particularly junior staff, were raising their concerns; and that threats were being made against politicians, as you have indicated, since you were one against whom a threat had been made.

On 2 February, Mr McEwan said that the PSNI was concerned about the growing tension and strain in communities and about the possibility of individuals or small groups taking action of their own volition. Then we had information from Crimestoppers that came from a source with the code of an organisation. I am sorry, folks, but does anybody seriously think that I will sit on my hands and do nothing to protect staff? Certainly not.

Mr Irwin: Thank you, Minister. I commend you for taking the action, because staff security and safety are paramount. There is no doubt about that.

Mr McGlone: It is good to see you, Minister. I want to pick up on a number of comments regarding the PSNI. You said that senior PSNI officers were not sufficiently aware of the potential risk to staff. I think that that is what you said. Will you clarify that? You also made comments that local police "on the ground" were aware of the potential risk to staff, and, if I picked you up correctly, you said that, in a conversation with ACC Barbara Gray, she revealed to you the existence of a message to Crimestoppers. I am trying to find out where the deficiency or voids were at senior PSNI level, if they were not sufficiently aware of the risk to staff. I stress that the safety and well-being of anyone, be they PSNI officers, staff or members of the public, are paramount, as other members have said, but they can speak for themselves. Where does the Minister see the gap or void in the awareness of risk at PSNI level?

Mr Poots: No disrespect to you, Mr McGlone, but it does not strike me as being paramount to you, given that staff were pulled out on a precautionary basis for a total of seven days with no impact and you have supported a politically motivated Committee inquiry. The Committee would have been better inquiring into the fact that eel fishermen will struggle to sell 20% of their materials to the GB market, for example, because of the Northern Ireland protocol.

Mr McGlone: You have to be *[Inaudible owing to poor sound quality.]*

Mr Poots: Nonetheless, I will deal with the question about the police. I am not sure what they told you about their engagement with Mid and East Antrim Borough Council, but I noted from the evidence provided to you that there were eight engagements with the council. I have quoted to you from members of staff in Belfast and Larne who spoke to police. I had that material before I made the decision. They spoke to police on the ground, who told them of credible threats. I have told you that an individual working in the port was put out of their home under the SPED scheme. If that does not strike you as significant, I am not sure where you are coming from with regard to staff protection, because it strikes me as important and, therefore, absolutely credible that I should take a precautionary approach to ensure the safety and well-being of my staff.

Mr McGlone: Sorry, Chair: with respect to the Minister, I know that he is defending his party's position on Brexit. However, to go back to my original point. Minister, you have presented us with a number of evidence-based claims that you have before you regarding the SPED scheme and the risk to staff, but you said that senior PSNI officers were not sufficiently aware of the risks to staff. I am trying to establish where, you feel, the void or gap in awareness of risk was in the PSNI's structural chain of command, if you like. ACC Gray did refer to you and had a conversation with you in which she gave you details. You have referred again to the fact that the PSNI on the ground presented you with further details. I am just trying to establish where you saw that gap. That is all that I want to know.

Mr Poots: It is not for me. You, as a Committee, seem to be saying that senior PSNI officers are at variance with what I did. That is the modus operandi of the inquiry. Meanwhile, I have the emails here from staff saying that credible threats from loyalists — sorry: PSNI officers saying that there were

credible threats from loyalists and that staff needed to be wary. It has been lost somewhere, because, if that is what PSNI officers were saying to staff on the ground, why is it somewhat different from the information from senior police officers to the Committee? I cannot answer for the PSNI.

Mr McGlone: OK. Thanks, Minister.

Ms Bailey: Can you hear me?

The Chairperson (Mr McAleer): Yes. We can hear you, Clare.

Ms Bailey: Great. Thank you, Minister, for being with us. Can I ask you a quick question? Do you know why the PSNI was not invited to the meeting with many of the stakeholders at 4.45 pm on 1 February?

Mr Poots: I did not establish the meeting; therefore, I cannot answer.

Ms Bailey: OK. Minister, you talked about the coded call to Crimestoppers. Thanks for letting us know about it. Do you know whether that call happened before or after a call that was made to a Sunday newspaper, I think, which is believed to have been an uncoded call, very possibly from a person who was under the influence of alcohol?

Mr Poots: I am not aware of that call.

Ms Bailey: OK. I reassure you, Minister, that the Committee is extremely concerned about the health and safety of all staff and the duty of care to them, as, of course, are you. You have gone to great lengths to let us know that. However, on the Committee, we are also very aware that working conditions for staff at the ports have been very strained since 1 January, due to a lack of preparedness with suitable staff numbers and the infrastructure that was needed. What are your plans to alleviate those health and safety concerns? With regard to those ongoing matters, what is your duty of care to the staff currently on-site?

Mr Poots: My plan is to ensure that we have a better way forward and that there will not be 15,000 checks per week on goods coming into Northern Ireland, goods that are currently of the same standard as those in the European Union and, therefore, pose absolutely no threat to the single market.

Ms Bailey: Have you any plans to ensure that suitable staffing numbers are available to allow the staff there to work in better conditions?

Mr Poots: The fact is that the vets do not exist. We need dozens and dozens of additional vets. At present, there is a shortage of vets to do the other jobs needed in Northern Ireland. The European Union needs to recognise that what it is asking of us is not deliverable. In any event, it is not logical. There is no logic in guide dogs, for example, having to have a rabies vaccine, Ms Bailey, when there has not been a rabies incident on these islands since 1922. There is no logic to enforcing medical procedures on dogs for tapeworm when tapeworm has not existed in these islands. There is no logic to having 15,000 checks per week on food that is of equivalent standard to that of the European Union and will not enter the European Union. There is no logic to sheep not being able to come this year when they had been coming to the Sperrins and north Antrim, in particular. For someone who has been selling bulls to Scotland, there is no logic to having to keep a bull in Scotland for six months if it does not get sold. On all those matters, I hope that you and the Committee will support me and other political colleagues to find a way through, because the situation will not end well if we do not change our approach.

Ms Bailey: Thanks, Minister. I voted against Brexit exactly because those things were coming.

The Chairperson (Mr McAleer): Minister, I want to follow what Clare said. We find that there is no logic in pursuing a hard Brexit. Given what you said, have you used your influence with Lord Frost and others to pursue a veterinary agreement that might resolve the issues that you have highlighted?

Mr Poots: That would resolve some of the issues, and I wrote to them in June making that suggestion. There are other opportunities, however. Fundamentally, we can all agree on this: there should be no

barriers on the island of Ireland; we should protect the single market; and there should be no barriers in the internal market. If we can agree on those three things, if we can come together as an Executive to agree on them — I do not see any reason why we cannot, because that properly protects the Belfast Agreement and its North/South and east-west aspects — and if we can put a proposal to the European Union that protects all aspects of the Belfast Agreement — North/South, east-west, no borders — but also protects the single market, we will be in a much better circumstance. I believe that there is a means of doing that.

The Chairperson (Mr McAleer): Thank you, Minister. I want to conclude, and I am conscious that you have to leave now. I want to underline the fact that, as other members have said, we take the health and welfare of staff very seriously —.

Mr Poots: That is why I am surprised at the inquiry, Chair.

The Chairperson (Mr McAleer): The reason for the inquiry was that your decision on the staff was at odds with what we were told by the PSNI, which was that the threats were unsubstantiated and uncorroborated.

Mr Poots: That is at odds with what the PSNI on the ground were saying.

The Chairperson (Mr McAleer): I thank you for coming this morning. I understand that you are under time pressure and that you have an important meeting with the Taoiseach later today. Thank you, and good luck to you.

Mr Poots: OK. Thank you. I am happy to come back if I need to.