

**From the Permanent Secretary**  
Dr Denis McMahon



Department of  
**Agriculture, Environment  
and Rural Affairs**

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Dear Declan

**EVIDENCE AHEAD OF COMMITTEE INQUIRY SESSION PLANNED FOR 15 APRIL 2021**

The Committee has requested the attendance of DAERA officials to discuss the decision to temporarily withdraw staff from duties at Belfast and Larne ports on 1 February 2021. As you will recall, officials gave a detailed briefing on 4 February 2021 and we are happy to attend to answer any questions that the Committee may have in the context of the Inquiry.

In the meantime, please find attached a copy of the opening statement used at the 4 February 2021 Committee hearing which includes a timeline of key events and which members may find useful.

Yours sincerely

**DR DENIS McMAHON**  
DAERA Permanent Secretary

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**PERMANENT SECRETARY'S STATEMENT**

**TO THE AERA COMMITTEE**

**THURSDAY, 4 FEBRUARY 2021**

Thank you Chair and members of the Committee for the opportunity to come before you today to provide an update on the current situation around Belfast and Larne Ports. We welcome the opportunity to update the Committee on the up-to-date position and to update you on recent events. Specifically in the lead up to the decision to temporarily suspend physical inspections of Products of Animal Origin (POAO) at Larne and Belfast ports. The issue of security and health and safety at Points of Entry (POE) has been under consideration throughout the development of the Sanitary and Phytosanitary (SPS) Operational Delivery Programme and continues to be monitored closely following the end of the EU Exit Transition Period.

As the Committee will understand, our staff are very concerned about recent developments and we do not wish to make matters worse by inadvertently creating publicity which could be unhelpful in drawing further attention to them or potentially impacting on their health, safety and wellbeing.

Before going into some of the recent events it is worth making a few general points about our approach. DAERA takes health and safety very seriously. We do so because it is our legal duty under the Health and Safety at Work Act to look after the wellbeing of our staff; and the people working alongside our staff in DAERA facilities. We are also informed by the Human Rights Act and in particular the Right to Life, which is non-derogable. Importantly, however, our interest goes far beyond the specific legal requirements, because the people in our Department carry out a range of operational roles and they deserve the safest possible environment within which to work.

As we developed the arrangements for compliance with the Northern Ireland Protocol, we were acutely aware of the challenges associated with it, including the political controversy resulting from it. Committee members will be aware that we had provided very open and frank evidence about the legal implications underpinning the need for Sanitary and Phytosanitary (SPS) checks on products moving from GB to Northern Ireland. These arrangements are required under the Official Controls Regulation (OCR) which in turn is built into UK domestic law.

Some of the key events leading up to the decision we took on 1 February 2021 were:

**21 January 2021:** graffiti was identified in Larne threatening portal staff.

**28 January 2021:** the issue of security was discussed at a meeting of SOLACE (Society of Local Authority Chief Executives) at which the Chief Veterinary Officer was

present to represent DAERA. During that meeting concern was raised by a local Government representative about the seriousness of potential threats.

**31 January 2021:** the former Minister Edwin Poots MLA, called me to express his concern about the safety of staff at the Points of Entry (POEs). He stated that a local Government officer had contacted him to alert him to potential health and safety risks as a result of threats to staff at the Larne Point of Entry. He also referred to conversations with political colleagues at a range of locations across Northern Ireland and other stakeholders who reported threats. He subsequently contacted the PSNI to provide more details.

**1 February 2021:** At our morning Gold Command meeting – which is part of our Major Emergency Response Plan – or MERP - arrangements Departmental officials confirmed that they had been in touch with the PSNI as part of more regular engagement on the issue of the ports.

**1 February 2021:** The then Minister called me again at midday. He stated that he was formally registering his concerns about the health, safety and security of DAERA staff working at portal Points of Entry.

Following this conversation I spoke to a senior PSNI officer. He confirmed that the PSNI was gathering additional intelligence through local police and that he was bringing together a stakeholders' meeting for the next day - which I agreed to attend. He agreed to share a formal threat assessment following that meeting the next day, although at that stage, his assessment had not changed significantly from the previous week.

**1 February 2021:** At the request of SOLACE, the then Minister met with the Chief Executives' of Mid and East Antrim and Belfast Councils. At the meeting, concerns were highlighted relating to: threatening graffiti; reports of vehicle registrations having been recorded; feedback from Councillors; and young staff feeling threatened.

**1 February 2021:** The then Minister called me on the evening stating that he wanted DAERA staff to be stood down at Larne and Belfast Ports, given the risks identified. He stated that: he was very concerned about the risks posed to staff; he was not convinced that the PSNI had a full understanding of the risks based on continuous feedback he had been receiving; he emphasised the duty of care of officials for their staff. And noted that Mid and East Antrim Council were already taking action. As DAERA Minister, he was demanding that action be taken to protect staff.

Following the phone call with the then Minister, I spoke with the Chief Veterinary Officer, Robert Huey, to agree a way forward. Some key considerations were:

- (a) lack of knowledge of any formal written threat assessment from the PSNI;
- (b) new information had been provided by Mid and East Antrim Council about staff health and safety and the Council had taken a decision to remove staff from potential danger while allowing time for an updated formal threat assessment;

- (c) the fact that staff at both Belfast and Larne had expressed serious concerns about the potential threats; and
- (d) that the Department would require, in addition to a formal threat assessment, a risk assessment and mitigations addressing the DAERA specific concerns.

On the basis of these considerations, the Chief Veterinary Officer and I agreed that a measured, precautionary approach would be required until we had clarity from the PSNI in terms of the threat assessment and had the processes in place to provide the necessary assurances for DAERA staff. Specifically, we agreed:

*“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.”*

During a subsequent telephone call I confirmed with the then Minister that he was content with this wording. He stated that he was.

### **Next Steps**

There are a number of steps which we need to go through:

- a formal written threat assessment will be forwarded by the PSNI;
- a risk assessment is also being undertaken by DAERA; and
- the above material will be considered to inform any operational decision taken.

In the meantime, work continues on full documentary checks and we continue to monitor the situation closely in light of all information that we receive.

I hope that this clarifies our position and how we got to this point. Can I thank you once again for inviting us here and we will be happy to take questions as appropriate.