

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 2 FEBRUARY 2023 AT 9.30AM IN WATERSIDE TOWER, CLARENDON DOCK.

PRESENT:

Ms Deirdre Toner (Chair)
Mr Edgar Jardine (Vice-Chair)
Mr Michael Atkinson
Mrs Joanne Bunting MLA*
Mr Trevor Clarke MLA
Dr Kate Laverty
Mr Les Allamby
Mr Gerry Kelly MLA
Ms Liz Kimmins MLA*
Mr John Blair MLA
Ms Nuala McAllister MLA
Mr Peter Osborne
Mr Frank McManus
Mr Mike Nesbitt MLA
Mr Mark H Durkan MLA

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (1) Mr Simon Byrne, Chief Constable
- (1) Mr Mark Hamilton, Deputy Chief Constable,
- (1) Ms Pamela McCreedy, Chief Operating Officer
- (1) Mr Chris Todd, Assistant Chief Constable
- (1) Mr Alan Todd, Assistant Chief Constable
- (1) Mr Bobby Singleton, Assistant Chief Constable
- (1) Mr Mark McEwan, Assistant Chief Constable
- (1) Ms Clare Duffield, Assistant Chief Officer
People and Organisational Development
- (1) Ms Jenny Kendall, Strategic Communications &
Engagement
- (1) Mr Ryan Henderson, Chief Superintendent
- (1) Mr Bobby Parkhill, Strategic Communications &
Engagement

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

Mrs Sinead Simpson, Chief Executive
Mr Adrian McNamee, Director of Performance
Ms Aislinn McGuckin, Director of Police
Pension and Injury Benefits

Four Board Officials
Mr John Wadham, Human Rights Advisor

**OTHER OFFICIALS IN
ATTENDANCE:**

(1) **Item 10 only**

1. APOLOGIES

Apologies were received from Mr Maurice Bradley MLA, Mrs Linda Dillon MLA, Dr Janet Gray and Mrs Carmel McKinney.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared and when asked if there was “Any Other Business” no further items were declared.

3. DRAFT MINUTES OF THE BOARD MEETING HELD ON:

3.1 Thursday 8 December 2022

It was **RESOLVED:-**

- That the minutes of the Board meeting held on 8 December 2022 be approved.

4. BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meeting held on 8 December 2022 were noted in addition to the following verbal updates provided by the Chief Executive.

In relation to Action Point 1 from the meeting on 8 December 2022 regarding issues Members raised in relation to the D1 process and the need to address

these with Land & Property Services (LPS) - the Chief Executive advised correspondence has issued from the Chair (and is included in Chair's correspondence at item 5) and a response has been received from LPS, and a meeting is in the process of being set up to discuss the issues.

In relation to Action Point 3 from the meeting on 8 December 2022 regarding National Crime Agency (NCA) responses to Member's queries – the Chief Executive advised the Director of Performance is liaising with the NCA in this regard and this item will remain open until the response has been received.

Action Point 1 from the meeting on 1 September 2022 in respect of the draft tripartite agreement between NIPB, PSNI and Department of Justice (DoJ) – the Chief Executive advised that in the last correspondence the Minister of Justice indicated we might hear further in the New Year but to date there has been no further correspondence, and as such a letter will be drafted for issue by the Chair to follow up and check progress. **(AP1)**

In relation to the closed action from the 8 December 2022 meeting regarding the information which was issued to all Members regarding the background to Op Yurta, a Member asked when the Board will receive an update on the lessons learned report from Op Yurta – the Chief Executive advised she will check and confirm with the Deputy Chief Constable. **(AP2)**

5. CHAIRPERSON'S BUSINESS

5.1 Chair's Report

The Board noted a Report from the Chair who advised Members of:

- The Chair's engagements carried out during the period 9 December 2022 to 1 February 2023.

- A full list of correspondence issued and received by the Chair since the Board meeting on 8 December 2022.

The Chair noted that she has had a number of introductory meetings in the period, however there were no engagements to highlight on this occasion.

In relation to correspondence, the Chair highlighted the following items:

- Correspondence received from the Minister of Justice regarding senior officer and staff allowances. The Chief Executive advised that she is awaiting legal advice on the matter, and once this is received the issue will be progressed via Resources Committee and then will come to the Board in due course for approval.
- Correspondence received from the Secretary of State for Northern Ireland in relation to the PSNI budgetary situation.
- Correspondence received from the PSNI advising of the PSNI Problem Solving Conference on 27 April and welcoming members to attend.
- Correspondence received from multiple organisations in response to the public consultation on the Board's Corporate Plan. Members noted that the draft Corporate Plan 2023-2025 would be discussed at agenda item 8.1.
- Correspondence received from PSNI on the recent DoJ report on "Potential Over-representativeness in the Youth Justice System"
- Correspondence received from Derry City and Strabane District council asking the Board to change its decision on the disposal of Castlederg PSNI station. The Chair advised she will be responding to explain the process followed, and the decision taken by majority.

- Correspondence issued to Chief Superintendent Wendy Middleton to congratulate her on her appointment as an Assistant Chief Constable with Police Scotland.
- Correspondence recently received from the PSNI regarding the holiday pay issue which has been uploaded to Decision time this morning and the Chair encouraged Members to read this correspondence before the private meeting with the Chief Constable later this morning.

A Member raised a query regarding correspondence received from a local MLA in relation to an ongoing Police Ombudsman investigation and whether the Board are required to take any action. The Chief Executive advised she would check and confirm if any response is needed on behalf of the Board. **(AP3)**

5.2 USE OF ZOOM

The Chair advised that in relation to the use of zoom for Board meetings, she recognised that it remained desirable that all Members attend the monthly Board meeting in-person, however acknowledged that there might be exceptional circumstances where that is not possible. The Chair advised that should such exceptional circumstances arise, Members should contact Board officials, providing as much advance notice as possible, and depending on the nature of the Board business that month, the Chair will make a call on whether it is appropriate to facilitate zoom.

Members **NOTED** the update.

5.3 LAYOUT OF THE BOARDROOM

The Chair noted the issue raised by some Members around the layout of the Board meeting room and their ability to get the attention of the Chair/Chief Executive during discussions. An alternative proposal in relation to Members' seating was put to the Board however it was agreed that the format would

remain as it is with Board officials continuing to place Members' nameplates in advance of the meeting.

5.4 APRIL BOARD MEETING

The Chair noted the dates of the Board's upcoming office relocation to James House towards the end of March 2023 and the proximity of that relocation to the date of the April Board meeting (Thursday 6 April 2023). The Chair advised that due to a number of uncertainties regarding the state of readiness of the conference room at James House, it may be prudent to plan for the April Board meeting to be held off site. Members were advised that Board officials are currently exploring various options in terms of locations and suitability and will keep Members informed as things develop. The Chair noted Members will be fully briefed on the protocols regarding building access and car parking at James House at the Board Induction/Development days which are scheduled for 28 and 29 March 2023.

Members **NOTED** the update.

6. CHIEF EXECUTIVE'S REPORT

The Board **NOTED** a report from the Chief Executive which provided an update on various items of business. The Chief Executive highlighted the following item:

- the potential breach of anonymity in the Human Rights Annual Report by virtue of the name of a person being cited in the Board's report, when the court had granted anonymity. The Chief Executive referred to page 1 of her report and outlined for members the steps taken when the matter came to her attention on the morning of 18th January 2023. The Chief Executive advised that Board officials also notified the Information Commissioners Office (ICO) and the ICO have since confirmed they will not be taking any action.

The Chief Executive explained that Board officials are reviewing all systems and procedures to mitigate against something like this happening in future. The Chief Executive noted legal advice on the appropriate handling is awaited. The Chief Executive advised that on 30th January 2023, the Board received correspondence indicating that the family of the deceased intended to claim against the Board in relation to this matter and also seeking disclosure of various related materials. The Chief Executive confirmed advice is also being sought on this correspondence.

The Chief Executive apologised again for this very unfortunate occurrence and advised that Members would be updated on the progress of the claim against the Board by way of the Chief Executive's report to future Board meetings. The Chief Executive thanked all those involved for the speedy work that weekend and to a Board member for helping officials make contact with the family.

In relation to correspondence, the Chief Executive highlighted the following item:

- Correspondence received from the College of Policing providing a progress update on implementation of the reforms to chief officer development and progression, in particular replacement of the Senior Police National Assessment Centre (PNAC) and Strategic Command Course (SCC) in 2023 by the new executive leadership programme.

Members raised the following point with the Chief Executive:

- A query with regard to the underspend for the period up the end of December 2022 and if there is any opportunity between now and the end of the financial year to reduce the underspend. The Chief Executive explained SMT have reviewed and considered expenditure, however due to the significant efforts already made to live within budget, in the limited

timeframe between now and the end of the financial year it is unlikely that there will be an opportunity to make any significant purchases that would substantially affect the overall underspend.

7. COMMITTEE REPORTS

7.1 Performance Committee – 8 December 2022 & 19 January 2023

The Board noted the Performance Committee Chair's Report and draft minutes of the meetings held on 8 December 2022 and 19 January 2023. The Chair also provided a verbal update on matters considered at the meetings. On 8 December 2022 these included an update on Policing Plan Measure 1.2.1 Repeat Offenders, a presentation from the Office of the Police Ombudsman, the Human Rights Advisor's update report for November 2022, an update on the re-drafting of the PSNI Code of Ethics and the Committee Programme of Work for January – March 2023.

The Performance Committee Chair noted on 19 January 2023 Members received updates on Policing Plan Measures 1.4.1 (Crime Trends) and 2.4.1 (Crime Outcomes), a presentation from the PSNI on the PULSE Management System, a briefing from representatives of the British Association for Shooting and Conservation (BASC) to discuss a number of issues in relation to the performance of Firearms and Explosives Branch and the Human Rights Advisor's update report for December 2022.

Members **NOTED** the report.

7.2 Partnership Committee – 15 December 2022

The Board noted the Partnership Committee Chair's Report and draft minutes of the meeting held on 15 December 2022. The Chair also provided a verbal update on matters considered at the meeting which included an update on

PSNI/PCSP Regional Events held during June and October 2022, and a PSNI/NICCY Youth Voices Event.

The Committee also considered an updated draft of the Memorandum of Understanding for the Joint Committee for their consideration and received a briefing from the PSNI on the progress of the Hallmarks of Neighbourhood Policing which was formally launched on 28 June 2022.

Members **NOTED** the report.

7.3 Resources Committee – 15 December 2022 & 26 January 2023

The Board noted the Resources Committee Chair's Reports of the meetings held on 15 December 2022 and 26 January 2023 (Members noted draft minutes of the meeting on 15 December 2022 were attached and those from the 26 January meeting would follow in due course). The Chief Executive provided a verbal update on matters considered at the meetings. On 15 December 2022 these included the PSNI Finance report, an update on The Policing Plan Measure on Representativeness, briefings on the 2023-24 People Action Plan and work taking place in respect of Equality, Diversity and Inclusion. The Committee also considered a request to make an Above Delegated Authority payment to settle both payment of financial compensation and payment of legal costs associated with a personal injury claim.

The Chief Executive noted that on 26 January 2023 Members discussed the PSNI Finance report, received updates from PSNI representatives on the Cultural Audit and Estates Strategy, received a presentation from the Deputy Chief Constable and Chief Operating Officer on the PSNI's Resource Allocation Model (RAM) and also agreed the correspondence which set out the Board's response to the DoJ's annual letter to initiate the Police Remuneration Review Body (PRRB) 23/24 pay review process.

Following the Chief Executive delivering the reports, the Board Chair reminded Members of the decision taken by written procedure regarding an Above Delegated Authority approval request issued to all Members following the Committee's recommendation at its meeting on 15 December 2022 (in the absence of a January Board meeting) to approve the request. The Chair asked Members to ratify the decision.

Members **RATIFIED** the decision to approve the costs associated with the previously considered Above Delegated Authority settlement.

Members **NOTED** the reports.

The Board Chair also suggested to Members that, on the back of the briefing at January's Resources Committee meeting in relation to the Resource Allocation Model, that the Police Federation, Superintendents Association and NIPSA representatives should be invited to the next Board meeting so we can hear first hand their perspective on the resourcing issues. Members **AGREED** they were content for these representatives to be invited. **(AP4)**

7.4 Audit and Risk Assurance Committee – 20 December 2022

The Board noted the ARAC Committee Chair's Report and draft minutes of the meeting held on 20 December 2022. The Chair also provided a verbal update on matters considered at the meeting which included the Review of the Corporate Governance Framework, the Corporate Risk Register, and an update on the remainder of the Internal Audit work plan for 2022/2023.

In response to a Member's question in relation to the Board's liabilities around the implementation of the McCloud judgement, Board officials advised that while there are resource and operational impacts on the Board, the financial impact of implementation would be borne by PSNI.

Other areas briefly discussed by Members included ongoing Internal Audit work with PCSPs and how matters on PSNI's Risk Register may be brought to the Board's attention. The Chief Executive noted that she attends PSNI ARAC as an observer following which a verbal update is provided to the Board ARAC.

Members **NOTED** the report.

7.5 Discipline Committee – 12 December 2022

The Board noted the Discipline Committee Chair's Report of the meeting held on 12 December 2022. The Chair also provided a verbal update on matters considered at the meeting which included the Role of the Discipline Committee in Senior Officer cases which PONI conclude to be a direction and control matter, Management of discipline cases involving senior officers and an amendment to the Committee Terms of Reference.

Members **NOTED** the report.

8. BOARD BUSINESS

8.1 Update on the Corporate Plan Consultation

The Corporate Services Manager presented a paper which provided Members with an update on responses received from the recently concluded public consultation on the draft Corporate Plan and outlined the process involved in finalising the Corporate Plan 2023-2025.

The Corporate Services Manager advised that following a 12-week public consultation period which closed on 16 January 2023, 12 responses had been received and highlighted some of the key points received in the responses:

- A wish to see more focus placed on the challenging budgetary situation and its consequences for service delivery;

- Further development and focus on the Board's advocacy role and communication with the public;
- Engagement with children and young people
- Less focus on progress to date and more on how we will deliver going forward.

The Corporate Services Manager noted that a summary document of all the responses was attached in the meeting papers and proposed that Members could if they wished provide feedback at today's meeting or alternatively in writing by 17 February 2023 following which an updated draft Plan would be brought to the March 2023 Board meeting.

Following discussion, it was agreed that the Board's Senior Management Team would consider the consultation responses at its meeting on 8 February 2023 and agree a revised draft of the Corporate Plan taking account of the consultation responses received. A revised document will then be shared with Members seeking their views following which a final draft document will be brought to the Board for agreement at the March Board meeting. **(AP5)**

The Corporate Services Manager noted that following agreement of the Corporate Plan 2023-2025, the development of the Annual Business Plan 2023-2024 will be progressed.

9. KEY ISSUES OF PUBLIC INTEREST

The Board noted a paper which detailed recent issues of public interest which were relevant to the Board's areas of work. Recent news stories of concern will be addressed when PSNI attend the meeting.

10. PRIVATE SESSION WITH THE CHIEF CONSTABLE INCLUDING CHIEF CONSTABLE'S ACCOUNTABILITY REPORT

The Chair welcomed the Chief Constable Simon Byrne, Deputy Chief Constable Mark Hamilton, Chief Operating Officer, Pamela McCreedy, Assistant Chief

Constable Mark McEwan, Assistant Chief Constable Chris Todd, Assistant Chief Constable Bobby Singleton, Assistant Chief Constable Alan Todd, Assistant Chief Officer People and Organisational Development Ms Clare Duffield, Chief Superintendent Ryan Henderson, Executive Support Team, and Jenny Kendall and Bobby Parkhill, Strategic Communications & Engagement to the meeting.

The Chief Constable welcomed Chief Superintendent Ryan Henderson to his first monthly Board meeting.

The Deputy Chief Constable (DCC) advised Members that His Majesty's Inspectorate of Constabulary, Fire and Rescue Service (HMICFRS) had recently completed their annual Police Effectiveness, Efficiency and Legitimacy (PEEL) Inspection and gave Members an overview of the initial feedback PSNI received from HMICFRS at their debrief meeting following the conclusion of the inspection. These included:

- The areas considered as part of the inspection which were Professional Standards, Planning & Performance and Integrity & Vulnerability
- An outline of the process and timescales involved in preparing the formal report and the grading structure of the report
- Standards of acceptable behaviour and current levels of suspension and repositioning within the PSNI due to the robust approach taken to tackle unacceptable behaviours
- Comments on the findings of the sample of Vetting cases that were reviewed as part of the inspection
- Areas highlighted for improvement
- Positive interaction and engagement with PSNI representatives spoken to throughout the duration of the inspection
- The current financial situation faced by the PSNI

The Deputy Chief Constable noted that HMICFRS would be returning later in February 2023 for 5 days to carry out a desktop review and then would return again in November 2023 to undertake a full review of Crime Data Integrity.

The Chair asked for Member questions and the following matters were discussed with PSNI Leadership team:

PSNI Budget -- The Chief Constable advised the PSNI continues to face significant financial challenges and noted the outlook is stark. The Chief Constable advised the PSNI Service Executive Team have completed the exercise referenced at the previous Board meeting in relation to reviewing proposals from all departments on the reduction of police officer and staff posts for 2022-23 and have subsequently updated the PSNI's Resource Allocation Model (RAM). This RAM was presented to the Board's Resources Committee by the Deputy Chief Constable and Chief Operating Officer on 26 January 2023.

As a result of the updated RAM the Chief Constable noted that the Police Service will shrink over the next three years. The Chief Constable provided an overarching view of how many fewer officers and staff there would be and noted this reduction will result in the lowest officer numbers since the formation of the PSNI. The Chief Constable advised that as far as possible the PSNI leadership team have endeavoured to minimise the impact on service delivery in 2022 but through 2023 these reductions will have noticeable impacts that will be felt in communities throughout Northern Ireland.

For example:

- Non-emergency calls to the Police Service may take longer to answer and at times the public may have to wait for longer officers to attend non-emergency incidents
- Reduced/slower capacity to investigate crime. Fewer officers investigating a rising number of crimes may mean slower investigations, and in some cases, a less satisfactory service to victims
- Investigations will have to be prioritised which will ultimately lead to knock on delays for the Criminal Justice System
- Neighbourhood Policing function will shrink

- A reduced presence on the roads despite rising road deaths
- Reduced ability to respond to sustained protest and public disorder
- Reduced ability to support other Public Sector colleagues

The Chief Constable noted the financial outlook for next year still remains uncertain. Based on another flat opening budget baseline, (which has not yet been confirmed) the Chief Constable advised the PSNI could be facing an opening budget gap in excess of £100m for 2023-24. He expressed his concerns regarding the impact this will have on services to communities and advised it will be inevitable that further difficult decisions lie ahead.

In addition to the above the PSNI Leadership team addressed a range of matters from Members concerning:

- A recent high profile Senior Officer discipline Case
- PSNI vetting and recruitment process
- Queries in relation to a 2014 Investigatory Powers Tribunal case
- Definition of a strip search
- Impact on service delivery of the reduced budget settlement
- PSNI standards of behaviour

The Chief Constable also provided Members with an update on the Supreme Court Holiday Pay ruling further to the briefing note included in the papers for today's meeting, noting that a decision on the case is expected in late spring 2023. The Chief Constable explained the background to the case, the timeline of events to date, including exchanges with the Department of Justice on handling of the case and approvals processes, and noted that depending on the ruling the potential range of liability is very uncertain.

The Chair thanked the Chief Constable, Deputy Chief Constable, Chief Operating Officer Pamela McCreedy, Assistant Chief Constable Mark McEwan,

Assistant Chief Constable Chris Todd, Assistant Chief Constable Bobby Singleton, Assistant Chief Constable Alan Todd, Assistant Chief Officer People and Organisational Development Ms Clare Duffield, Chief Superintendent Ryan Henderson, Executive Support Team and Jenny Kendall and Bobby Parkhill, Strategic Communications & Engagement for their private briefing to the Board.

11. QUESTIONS FOR THE CHIEF CONSTABLE

11.1 Issues Arising from Committees

There were no issues arising from recent Committee meetings for the Board's attention.

11.2 Committee Written Questions and Responses

Members noted the responses received from the Chief Constable to four Committee questions within this period.

11.3 Individual Members' Written Questions and Responses

Members noted the responses received from the Chief Constable in relation to Members written questions and a follow up response to a verbal question from the previous Board meeting on 8 December 2022.

12. COMMUNICATION ISSUES

None raised.

13. ANY OTHER BUSINESS

No other business was conducted.

14. DATE OF NEXT MEETING

The next Board Meeting is scheduled for Thursday 2 March 2023 at 9.30am in Waterside Tower.

The private meeting closed at 11am.

A public session was held from 11am to 12.15pm by a video conference facility and livestreamed.

A verbatim recording of the Board meeting in public is available on the Board's YouTube page @nipolicingboard

This was followed by the private session with the Chief Constable from 12.15pm to 1.45pm.

Corporate Services

Date: February 2023

Chair