

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 1 OCTOBER 2020 AT 9.30 AM IN WATERSIDE TOWER, CLARENDON DOCK AND VIA VIDEO CONFERENCE FACILITY

PRESENT:

- Mr Doug Garrett Chair
- Dr Tom Frawley Vice-Chair*
- Mr Michael Atkinson
- (1) Mr John Blair MLA
- Mr Tom Buchanan MLA
- Mr Trevor Clarke MLA
- Dr Janet Gray
- Mr Edgar Jardine
- Mrs Dolores Kelly MLA
- Mr Gerry Kelly MLA
- Ms Liz Kimmins MLA*
- Mr Seán Lynch MLA
- Ms Carmel McKinney
- Mr Colm McKenna
- Mr Frank McManus
- Mr Mike Nesbitt MLA
- (2) Mr Mervyn Storey MLA

ABSENT:

Mrs Joanne Bunting MLA

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**

- (3) Mr Simon Byrne, Chief Constable
- (3) Mr Mark Hamilton, Deputy Chief Constable
- (3) Mr Mark McEwan, Assistant Chief Constable
- (3) Superintendent John McCaughan

**HER MAJESTY'S
INSPECTORATE OF
CONSTABULARY AND
FIRE AND RESCUE
SERVICES:**

- (4) Mr Matt Parr, Her Majesty's Inspector

**NORTHERN IRELAND
POLICING BOARD**

Mrs Amanda Stewart, Chief Executive
Ms Aislinn McGuckin, T/Director of Police
Administration

OFFICIAL

**OFFICIALS IN
ATTENDANCE:**

Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Resources
Ms Dympna Thornton, Director of Partnership
Three Board Officials

**NORTHERN IRELAND
POLICING BOARD
HUMAN RIGHTS
ADVISOR IN
ATTENDANCE:**

Mr John Wadham, Human Rights Advisor*

*Attended meeting by video conference facility

- (1) Part item 10 to end (Arrived at 1pm)
- (2) Part item 10 to end (Arrived at 12.40pm)
- (3) Items 8.1 and 10.
- (4) Item 8.1.

1. APOLOGIES

Apologies were received from Ms Deirdre Toner and both Mr John Blair MLA and Mr Mervyn Storey MLA advised they would be late to the meeting.

The Board agreed the Agenda for the meeting.

2. CONFLICTS OF INTEREST

A Member declared a potential conflict of interest in relation to agenda item 7.3 Resources Committee Chair's Report to the Board.

3. MINUTES OF THE MEETING HELD ON 3 SEPTEMBER 2020

It was **RESOLVED:-**

- That the minutes of the Board meeting held on 3 September 2020 be approved.

OFFICIAL

The Chair noted that he had received complaint correspondence about a Board Member and in accordance with the Members Code of Conduct the Vice-Chair would consider the matter with the aim of informal resolution. The Chair asked that the Board not discuss the issue.

4 BOARD ACTION LOG

Updates as detailed within the Action Log, and within the additional information provided by the PSNI, on the actions from the Board meeting held on **3 September 2020** were noted.

Updates as detailed within the Action Log from the Board meeting held on **4 June 2020** were noted in addition to the following verbal update provided by the Chief Executive:

Action Point 1

No further information had been received from Department of Justice (DoJ) about the proposed stocktake of police oversight arrangements.

Updates as detailed within the Action Log from the Board meeting held on **5 March 2020** were noted in addition to the following verbal update provided by the Chief Executive:

Action Point 1

The Chair and Chief Executive had met with DoJ Officials to discuss a draft version of the proposed NIPB and DoJ Partnership Agreement. During the meeting the PSNI's Partnership Agreement was also discussed which the DoJ had not yet commenced. The Chair and the Chief Executive had discussed progressing the PSNI's draft Partnership Agreement with DoJ Officials in parallel with NIPB's because of the tripartite policing

relationship. The DoJ Officials had agreed to consider it again and further information would be provided to the Board once received.

Updates as detailed within the Action Log, on the actions from the Board meeting held on **2/3 October 2020** were noted.

5. CHAIRPERSON'S BUSINESS

The Chair presented a report which advised Members of:

- The Chair's engagements, including meetings held by teleconference and video conference facilities during the period between 1 and 29 September 2020.
- A list of correspondence received by the Chair during the period between 1 to 24 September 2020.
- A list of correspondence issued by the Chair during the period between 11 to 28 September 2020.

The Chair noted that he had recently met with representatives from the Rainbow Project, Ethnic Minority Police Association and Women's Aid to discuss their engagement with the PSNI.

6. CHIEF EXECUTIVE'S REPORT

Members noted a report from the Chief Executive to the Board.

The Chief Executive updated Members on the recruitment competitions to select and appoint a PSNI Chief Operating Officer and PSNI Director of People and Organisational Development noting that Korn Ferry had been appointed to undertake a job evaluation and their report was expected in

the coming days. The Board was further advised that Clarendon Executive had been appointed to undertake the Executive Search for the PSNI Chief Operating Officer role.

The Chief Executive also provided an update to the Board on the continuing impact of COVID-19 on the organisation noting that Waterside Tower remained closed to the public, and public Board meetings were being broadcast by livestream. The Board was also updated on the backlog of Freedom of Information (FOI) requests and Subject Access Requests (SARs) connected to Injury on Duty (IOD) applications, noting that the processing of SARs was resource intensive. With extensive redaction required given the volume and nature of the information. The Information Commissioner's Office had been informed of the reasons for the delay in processing FOI requests and SARs and additional resources continue to be drafted in to assist clearance of SARs.

The Board was also updated on the continued reduced capacity to undertake Selected Medical Practitioner (SMP) assessments because of COVID-19, and the impact of the Charity Commission's judgment on both the work of the Resources Committee and Police Administration Directorate.

The Chief Executive updated the Board on the Police Pension Board (PPB) noting that the majority of recent PPB involved discussions on the McCloud consultation. The Chief Executive noted that owing to the McCloud consultation, and specifically there may be challenges in implementing the requisite IT infrastructure within the time period. The Chief Executive agreed to keep the Board updated. The Chief Executive noted that going forward the Police Pension Board minutes would go to the Resources Committee for noting.

The Chief Executive noted that an updated draft Corporate Risk Register (CRR) was attached to her Report following receipt of ARAC Members feedback on the CRR. All Board Members were asked to consider the CRR and provide feedback and it would be discussed further at the Risk Management Workshop on 22 October 2020.

7. COMMITTEE REPORTS

7.1 Performance Committee 10 September 2020

Members noted the Performance Committee's Chair Report of the meeting held on 10 September 2020, and the Vice-Chair provided an overview of the matters considered by the Committee including consideration of the PSNI's performance against measures within the Performance Plan 2020/21 specific to Domestic Violence/Abuse and PSNI's Outcome Based Accountability Report Card. The draft report from the Board's Human Rights Advisor on the PSNI Response to COVID-19 was also considered by the Committee and would be brought to a future Board meeting for consideration.

7.2 Partnership Committee 17 September 2020

Members noted the Partnership Committee's Chair Report on the meeting held on 17 September 2020, and the Chair also provided an overview of the matters considered including a briefing on the PSNI's performance against measures within the Policing Plan and discussions with Assistant Chief Constable (ACC) Alan Todd on the cessation of NISRA's Omnibus Survey. The Director of Performance noted that consideration was being given to the design of a future survey and the Committee would be kept updated.

7.3 Resources Committee 17 September 2020 and 24 September 2020

Members noted the Resources Committee's Chair Report which provided an overview of the matters considered at the meetings on 17 and 24 September 2020, including a briefing on PSNI Human Resources and the draft PSNI People Strategy. Members' also considered an ill-health retirement application could not be concluded because the DCC was in attendance at the Northern Ireland Assembly Justice Committee on the morning of 24 September 2020 along with the Chief Constable.

At the meeting on 24 September Members considered a request for a high value compensation case. It was noted ...

7.4 Audit and Risk Assurance Committee 24 September 2020

Members noted the Audit and Risk Assurance Committee's (ARAC) Chair's Report which provided an overview of the matters considered at the meeting on 24 September 2020 including the complaints received by the Board since 1 April 2020 and their outcome. The Chair also noted that the ARAC Committee had recommended that the Board approve Edgar Jardine as the Designated Board Member for Fraud. It was **RESOLVED** that:

- Edgar Jardine be appointed the Designated Board Member for Fraud.

8. BOARD BUSINESS

8.1 HMICFRS PEEL Report on PSNI

The Chair welcomed Matt Parr, Her Majesty's Inspector (HMI) for Northern Ireland and the Chief Constable and Deputy Chief Constable (DCC) to the meeting.

HMI Parr provided an overview of his report noting the report outlined the PSNI's good performance in a number of areas, including its treatment of the workforce, the provision of a fair and respectful service to the public but the Report also raised areas for discussion and improvement including the backlog of those waiting to be vetted, the PSNI's use of force and how it is recorded and the use of Stop and Search powers.

Members discussed a number of issues with HMI Parr, the Chief Constable and the DCC including:

- The reference within the Report to officers not always activating their Body Worn Video (BWV) when required, and actions that the Chief Constable may take to deal with that. The Chief Constable noted that a Service Instruction was issued to all Officers to activate their BWV at the appropriate times but acknowledged that at times BWV may not work because of technical difficulties or if the battery was low. The Chief Constable further noted that he had discussed the matter with the Office of the Police Ombudsman and they did not have any concerns about complaints having been made where BWV was not available.

The DCC noted that he had discussed the matter further with HMI Parr because the data held by the PSNI did not indicate that there were complaints about BWV not being activated by officers.

- The PSNI's deployment of Tasers. The Chief Constable noted that, as had been discussed at previous Board meetings, it was intended to increase the number of Armed Response Unit (ARU) officers with access to Tasers to allow a greater geographical spread across Northern Ireland but it was not intended to provide all officers with Tasers.
- The Chief Constable noted that he had reflected on the findings of the Report on PSNI talent management, and would ensure that talent management was appropriately reflected within the PSNI's People Strategy and Action Plan.
- The Report's findings on the shortage of Detectives within the PSNI, and the impact it may have on future recruitment and vetting procedures. The Chief Constable noted that there was a shortage of Detectives across the UK. The Chief Constable further updated the Board on a change in process within the PSNI whereby officers who had expressed an interest in training as a Detective are placed within a Detective Unit in advance of taking the relevant exams, and this had resulted in an increase in the exam pass rate.

The Chief Constable noted that the Report included suggested areas of improvement which were being considered in detail by him and the PSNI Strategic Management Board however his monthly Report to the Board detailed his initial response to the HMICFRS Report. The Chair noted that under the Police (Northern Ireland) Act 1998 the Chief Constable was required to submit his official response and action plan to address the areas for improvement to the Board, and the Chief Constable's and Board comments on the Report would be published in due course.

8.2 NIPB Human Rights Annual Report

The Board's Human Rights Advisor presented the 2019-20 Human Rights Annual Report noting that it had been considered by the Performance Committee at both its June and September 2020 meetings and it was recommending it to the Board for approval. It was noted that the Report highlighted a number of areas for improvement and made 14 recommendations for the PSNI to consider. It was **RESOLVED** that:

- The 2019-20 Northern Ireland Policing Board Human Rights Annual Report be approved for publication as presented.

8.3 Tackling Paramilitarism, Criminality and Organised Crime – Partnership Committee Review (2019-20)

The Director of Partnership presented the 2019-20 Partnership Committee's Review of Tackling Paramilitary Activity, Criminality and Organised Crime, noting that it had been considered by the Partnership Committee which was recommending it to the Board for approval. It was **RESOLVED** that:

- The 2019-20 Partnership Committee's Review of Tackling Paramilitary Activity, Criminality and Organised Crime Report be approved for publication as presented.

8.4 Department of Justice Consultation Responses:

8.4.1 Draft Organised Crime Strategy for Northern Ireland 2020-2023

8.4.2 Policy on Proposals for New Provision to Tackle Organised Crime in Northern Ireland

8.4.3 Development of an Adult Restorative Justice Strategy for Northern Ireland

The Director of Partnership presented a paper to the Board which outlined the proposed responses to three DoJ consultations which were in progress. It was **RESOLVED** that:

- The responses to the Department of Justice consultations were approved as presented.

8.5 Board's Engagement Strategy 2020-23

The Director of Partnership presented a paper which included an overview of the Board's Engagement Strategy for approval on the Partnership Committee's recommendation. It was noted that one aim of the Strategy was to raise of the profile of the Board, and Members requested that Officials provide a timeline to implement the Strategy. **(AP1)** It was **RESOLVED** that:

- The Engagement Strategy 2020-23 be approved as presented.

9. KEY ISSUES OF PUBLIC INTEREST

The Board noted a paper which detailed recent issues of public interest.

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

The Chair welcomed the Chief Constable, DCC and ACC McEwan to the meeting.

The Chief provided an update to the Board on the continued policing response to COVID-19 including PSNI's attention to policing house parties that contravene the COVID-19 Regulations and an update on the number

of fines and Prohibition Notices issued by the PSNI. The Chief Constable also noted that while an additional £60 million had been made available in England and Wales by the Government to assist with the policing response to COVID-19 there was no clarity about what, if any, additional funding may be made available in Northern Ireland.

The Chief Constable further noted that T/ACC J Roberts would attend a future Partnership Committee to brief the Committee on a PSNI new uniform trial, and he also provided an update on the progress of the PSNI's Strategic Outline Cases (SOCs) noting that the DoJ had confirmed that they would now proceed to the next stage – preparation of Full Business Cases for the three areas of Estates, Digitalisation and Officer Numbers. The Chief Constable further noted that the PSNI still had a funding gap of £4.5 million as monies for EU Exit had not been received but engagement with DoJ Officials continued. It was agreed that the Board Chair should write to the DoJ and request clarity on the Barnett Consequential impact, and what monies the PSNI would receive, following Police Services in England and Wales receiving additional funding to respond to COVID-19. It was further agreed that the correspondence should request clarity on when the outstanding £4.5 million EU Exit monies would be provided to the PSNI. **(AP2)**

During the meeting, Members discussed a number of issues with the Chief Constable including:

- The PSNI's participation in a Northern Ireland Executive Committee on the response to COVID-19. The Chief Constable noted that the PSNI had been recently invited to participate in the meetings and ACC Todd was the PSNI's representative.
- EU Exit planning and preparations. The Chief Constable noted that the Home Office continued to negotiate on behalf of the UK and that in the event of a 'No Deal' EU Exit, different mitigations and

processes would apply to certain existing mechanisms which the PSNI had the benefit of including the European Arrest Warrant, access to biometric data which would mean that the historic legislation would be relied on to allow PSNI to continue to have access to these mechanisms.

- The policing response to COVID-19. The Chief Constable noted that he wanted to encourage an effective approach by all Departments and Agencies to the enforcement of the COVID-19 Regulations, and guidance including the wearing of face masks. A joint enforcement team with the PSNI and Belfast City Council had been established which would conduct patrols around Belfast and enforce the guidance and Regulations.
- The Chief Constable noted that he was cognisant of the long-term impact of the enforcement of COVID-19 Regulations and guidance on confidence in policing, and consideration had to be given to what the role of policing during a health pandemic was. The Chief Constable noted that the PSNI had established a COVID-19 Central Co-Ordination Centre to encourage consistency of approach across Northern Ireland. Any PSNI officer considering enforcement action had to refer it to the Central Co-Ordination Centre for consideration before enforcement action may be taken.
- The DCC noted that the enforcement of COVID-19 Regulations was complex and there were other Agencies that may be empowered to enforce them.
- The PSNI's use of s. 44 of the *Serious Crime Act 2015* to question people suspected of breaching COVID-19 Regulations. The Chief Constable noted that the use of s. 44 of the *Serious Crime Act 2015* was used following advice by the Public Prosecution Service (PPS) but agreed to provide further information on the use of s.44 including whether it has been used by other UK Police Services. **(AP3)**

- The PSNI's powers to tackle online hate crime. The DCC, the National Police Chiefs Council Lead for Hate Crime, noted that the general consensus was that social media providers could do more to challenge online hate. The University of Cardiff was leading a National Programme collating online hate crime statistics.
- The recent announcement by the PPS that 15 sexual offenders were to have their convictions rescinded. ACC McEwan noted that it was a matter for the PPS if they wished to undertake a fresh prosecution but the PSNI were ready to support any prosecution at the direction of the PPS.
- The policing of a recent protest at Maghaberry Prison. The Chief Constable noted that it had been policed using normal command protocols.
- A Board Member referred to recent social media posts by another Member. The Chair noted that he had stated at the beginning of the meeting (when the Member was not there) that the matter was being considered by the Board Vice-Chair with a view to resolving the matter informally.

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 written responses received in relation to two questions submitted to the Chief Constable from the Performance and Partnership Committees.

11.3 Individual Members' Written Questions and Responses

Members noted the written responses received in relation to two questions submitted to the Chief Constable from individual Members.

12. COMMUNICATION ISSUES

Members noted the issues that the Board Chair would be commenting on during his opening statement at the public Board meeting later in the afternoon.

13. SCHEDULE OF MEETINGS

The Board noted the Schedule of Meetings up to December 2020.

14. ANY OTHER BUSINESS

No other business was conducted.

15. DATE OF NEXT MEETING

The next Board meeting would be held on Thursday 5 November 2020.

The meeting closed at 1.03pm.

The private meeting closed and the Board moved into public session at 2pm which was held 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

Corporate Services

Date: October 2020

Chair: