

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 4 FEBRUARY 2021 AT 9.30 AM IN WATERSIDE TOWER, CLARENDON DOCK AND VIA VIDEO CONFERENCE FACILITY

PRESENT:

- Mr Doug Garrett Chair
- (1) Dr Tom Frawley Vice-Chair*
- Mr Michael Atkinson*
- Mr John Blair MLA*
- Mr Tom Buchanan MLA*
- Mrs Joanne Bunting 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*
- Mr Colm McKenna*
- Mr Frank McManus*
- Ms Carmel McKinney*
- Mr Mike Nesbitt MLA*
- Mr Mervyn Storey MLA*
- Ms Deirdre Toner*

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (2) Mr Simon Byrne, Chief Constable*
- (2) Ms Barbara Gray, Assistant Chief Constable*
- (2) Mr Alan Todd, Assistant Chief Constable*
- (2) Mr Mark McNaughten T/Executive Director of Finance, Support Services and Human Resources*
- (2) Chief Superintendent Bobby Singleton*

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

- Mrs Amanda Stewart, Chief Executive
- Ms Aislinn McGuckin, T/Director of Police Administration*
- 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) **Item 1 to part item 8.3. Part item 10 to end (left meeting at 10.30am and rejoined at 11.30am)**
- (2) **Items 10 to end.**

1. APOLOGIES

No apologies were received.

The Board agreed the Agenda for the meeting.

No one declared any items they wished to raise under 'Any Other Business'.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

**3. DRAFT MINUTES OF THE MEETING HELD ON 3 DECEMBER 2020 AND
18 DECEMBER 2020**

It was **RESOLVED:-**

- That the minutes of the Board meetings held on 3 December 2020 and 18 December 2020 be approved.

4 BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meeting held on **3 December 2020** were noted in addition to the following verbal updates provided by the Chief Executive:

OFFICIAL

Action Point 1

The Chair and Vice-Chair met with the Minister of Justice on 27 January 2021 to discuss the proposed stocktake of policing arrangements and the Chair will provide Members with an update under agenda item 5 later in the meeting. The Chief Executive further noted that the Action Point 1 from the Board meeting on 4 June 2020 had been superseded by this Action Point and so it has been closed.

Action Point 2

The Chief Executive noted a 'holding reply' had been issued in response to Amnesty International's correspondence of 2 December 2020 regarding Operation Yurta.

The Chief Executive also noted that the Resources Committee had written to the Deputy Chief Constable in November 2020 to request a copy of the 'Lessons Learned' Terms of Reference, details of the format the outcome would be reported, an indication when it would be completed and a copy of the Report when it was complete.

Members noted the impact of public confidence on policing as a result of Operation Yurta (Durham Constabulary's investigation of the alleged theft of material from the Office of the Police Ombudsman), and discussed concerns about the governance arrangements for PSNI external investigations, including PSNI's internal review of the lessons learned from Operation Yurta. Members noted that the draft Terms of Reference for PSNI's internal review of Operation Yurta would be considered by the Chair's Advisory Group and noted that the PSNI's review of Operation Yurta should proceed before considering whether the Board would undertake its own review of Operation Yurta. A paper regarding the PSNI's draft Terms of Reference for the "Lessons Learned" Report in relation to Operation Yurta to be prepared by Officials for consideration at the Chair's Advisory Group meeting. **(AP1)**

Action Points 3 and 4

The Board noted the approvals required if spending was considered novel and contentious, including the role of the Board, and that if the Department of Finance considered that spending was not novel or contentious and fell within the Chief Constable's delegated spending limit, then the Board would fall back on its supervisory role. It was agreed that this action may be closed on the Board Action Log.

Action Point 5

The Board noted that the Performance Committee are considering the rollout of spit and bite guards by the PSNI and agreed to close the action on the Board Action Log.

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

Action Point 1

The Chief Executive noted that the Deputy Chief Constable is engaging with the Operation Kenova Lead Investigator and that the Chief Constable is considering how the Board may receive assurances around external investigations. This action remains open pending further information from the Chief Constable.

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 December 2020 and 4 February 2021;
- A list of correspondence received by the Chair during the period between 30 November 2020 and 22 January 2021, and;

- A list of correspondence issued by the Chair during the period between 3 December 2020 and 21 January 2021.

The Chair updated Members on his and the Vice-Chair's meeting with the Minister of Justice on 27 January 2021 during which they discussed how the Minister of Justice would engage with the Board to discuss the proposed stocktake of policing accountability arrangements. The Chair noted that the Minister of Justice had advised that 20 years after the publication of the Patten Report on Policing, the purpose of the proposed stocktake was to consider the policing governance relationships. The stocktake has been delayed by the impact of COVID-19 but there will be a consultation in late Autumn 2021/ early 2022 and it is proposed that the Minister would meet with the Board in June 2021.

The Chair noted that the Board's meeting with the Police Ombudsman which had been postponed in October 2020 has been rearranged to April 2021.

A Member raised a question about whistleblowing correspondence to the Chair from a G4S employee contracted to the PSNI. The Member declared a potential conflict of interest in respect of a family member employed by G4S. In his response the Chair noted that the matter had been referred to the PSNI for consideration and a report would be provided to the Board once concluded. The Chief Executive noted that while the Board has its own Whistleblowing Policy governing whistleblowing issues in relation to the Board, the PSNI has its own Whistleblowing policy and procedures. It was agreed that the PSNI's Whistleblowing Policy would be circulated to Board Members for their information (**AP2**) and that Board Officials would follow-up on the status of the whistleblowing complaint forwarded to the PSNI and provide an update to the Board.

6. CHIEF EXECUTIVE'S REPORT

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

The Chief Executive updated Members on the Board's Quarter 3 Annual Business Plan performance to 31 December 2020 noting that at this stage all actions were on track to be achieved at year end. Members further noted that Board Officials continued to progress the development of new guidance for Selected Medical Practitioners (SMP) and Independent Medical Referees (IMR). The Chief Executive further noted that Board Officials were working to update the Business Plan actions for the incoming year and a draft Annual Business Plan for 2021-2022 would be brought to the March Board Meeting for further consideration.

The Chief Executive provided an update on the significant staffing pressures as a result of a number of staff having been successful in external Northern Ireland Civil Service (NICS) competitions but also noted that a number of permanent staff had been recruited and were awaiting security clearance before commencing employment with the Board. A Member noted that the Board is also impacted by the NICS temporary agency workers contract which expired on 31 December 2020 and that a new provider is currently being procured. The Chief Executive noted that the Corporate Risk Register had been updated following a discussion between the Senior Management Team (SMT) to reflect current staffing capacity.

The Chief Executive updated Members on ongoing engagement with stakeholders including the Department of Justice (DoJ) about the Injury On Duty (IOD) and Ill Health Retirement (IHR) matters noting that it was proposed to convene a meeting of the Board's IOD Working Group at which a more detailed update would be provided.

In response to a Member's question about the funding of local Support Hubs, it was noted that the Partnership Committee were monitoring the position and the funding of Support Hubs by the DoJ.

In response to a Member's question about the correspondence issued to the DoJ regarding the Board's position on the draft Police Powers & Protections Bill that the Board should not have a role in charging a fee for enrolment on an approved course offered as an alternative to prosecution for a specified fixed penalty offence, The Chief Executive noted that the Board's position had been communicated to the DoJ and alternative arrangements would be put in place by the DoJ.

The Chief Executive noted that following the completion of the recruitment competition to appoint the PSNI Chief Operating Officer the report from the Board's Equality, Diversity and Human Rights Advisor, Dr Mallon, was included with Members papers and reported on the principles of merit, fairness and openness observed at each stage of the recruitment competition. The Chief Executive further noted that the competition to recruit a PSNI Director of People and Organisational Development had been launched and that the Board's external HR Advisor was working with the Board in relation to the competition.

It was **RESOLVED** that:-

- The report of the Board's Human Rights, Equality and Diversity advisor Dr John Mallon on the PSNI Chief Operating Officer selection and appointment process be approved for publication on the website. **(AP3)**

7. COMMITTEE REPORTS

7.1 Performance Committee 10 December 2020 and 14 January 2021

The Board noted the Performance Committee Chair's Report providing an overview of matters considered at the recent committee meetings. These included on 10 December 2020, a briefing from Assistant Chief Constable (ACC) Mark McEwan and Chief Superintendent Melanie Jones on PSNI's performance against the Policing Plan measure on repeat offenders and an

update from Mr David Seymour CB, Independent Reviewer of the *Justice and Security (Northern Ireland) Act 2007* and Mr Jonathan Hall QC, Independent Reviewer of Terrorism Legislation on their latest reports. At the committee meeting held on 14 January 2021, the Committee had also received a briefing from ACC Barbara Gray on PSNI's performance against the policing plan measure on crime rates.

7.2 Resources Committee 16 December 2020 and 20 January 2021

The Board noted the Resources Committee Chair's Reports providing an overview of matters considered at recent committee meetings. These included, at the meeting held on 16 December 2020, a briefing from the PSNI Director of HR on PSNI's performance against the Policing Plan measure on representativeness and the Committee's consideration of pension forfeiture case. The Chair also updated the Board on items of business considered at the meeting on 20 January 2021 including PSNI's planning for the 2021-22 Budget and a briefing from PSNI on their plan to implement the recommendations detailed within the Northern Ireland Audit Office's (NIAO) Report on Reducing Costs within the PSNI.

In response to a Member's question about the number of officers on duty adjustments as detailed within the PSNI HR Dashboard, it was agreed this issue would be taken back to Resources Committee for further consideration.

(AP4)

7.3 Partnership Committee 17 December 2020 and 21 January 2021

The Board noted the Partnership Committee Chair's Report that provided an overview of matters considered at recent committee meetings including the meeting held on 17 December 2020 at which the Committee received a briefing from ACC Alan Todd and Chief Superintendent Wendy Middleton regarding the PSNI's performance against the Policing Plan measure on places repeatedly victimised and feeling safe in your local area /high

street/town/home and Brexit related issues including the possible impact on the European Arrest Warrant. At the committee meeting on 21 January 2021, ACC Todd updated Members on the PSNI's performance against the Policing Plan measure to implement the Local Policing Review and T/ACC Jonathan Roberts and Chief Superintendent Sam Donaldson briefed the Committee on the PSNI's Operational Support Department.

7.4 Audit and Risk Assurance Committee 17 December 2020

The Board noted Audit and Risk Assurance Committee (ARAC) Chair's Report providing an overview of matters considered at the meeting held on 18 December 2020. The Chair provided an overview of matters considered at the meeting including the private session with the Deputy Chief Constable on the PSNI's governance structures. The Chair noted that the Chief Executive had updated the Committee on discussions at the PSNI ARAC meeting held on 16 December 2020 about the increased provision in the PSNI's Annual Report and Financial Statements for the year ended 31 March 2020 for IOD awards following a Government Actuary Department (GAD) review as requested by the NIAO.

8. BOARD BUSINESS

8.1 Response to Consultation on draft Budget for PSNI and NIPB 2021-22

The Director of Resources presented a paper which asked the Board to consider a proposed draft response to correspondence received from the Justice Committee dated 25 January 2021 seeking the Board's views on the likely implications of pressures arising from the draft budget allocations for both the Board and the PSNI for 2021-22.

The Director of Resources provided an overview of the Board's draft budget for 2021-22 noting that while a 'flat cash' budget was proposed, it represented

a 2.3% decrease in real terms, and provided an overview of various options available to the Board in respect of reducing costs.

The Director of Resources also provided an overview of the PSNI's indicative budget for 2021-22 noting that it was also a proposed 'flat cash' budget. Members were advised that the PSNI had indicated there would be a £23 million funding gap which would present significant challenges for the Service.

Members noted that the Resources Committee had engaged with the PSNI seeking clarity about the available options to reduce costs and the implications that this may have for frontline services provided by the PSNI.

It was **RESOLVED** that:

- The draft correspondence on behalf of the Board providing views on the draft Budget allocations for the Board and PSNI (2021-22) was approved to be issued to the Justice Committee. **(AP5)**

8.2 Chief Constable Performance Review 2019-20

A confidential note of this item is contained at **APPENDIX A** which is deemed OFFICIAL-SENSITIVE.

8.3 OPONI Report – An Investigation into Policing Policy and Practice of Protests in Northern Ireland

The Director of Performance presented a paper which provided an overview of the Police Ombudsman Report entitled "An Investigation into Policing Policy and Practice of Protests in Northern Ireland". Members were asked to note the paper and report. The Director of Performance also asked that Members note the draft correspondence from the Board Chair to the Office of the Police Ombudsman which was included with the paper.

Members' noted the Report and the proposed correspondence to the Office of the Police Ombudsman.

8.4 HMICFRS PEEL Report

The Director of Performance presented a paper which provided an update on the Police Effectiveness Efficiency and Legitimacy (PEEL) Report received from HMICFRS during 2020. The Director of Performance noted that the Chief Constable and Deputy Chief Constable's response to the PEEL Report had been received and the proposed draft publication Report and correspondence to the Minister of Justice was included for Members' approval.

It was **RESOLVED** that:

- The Board's publication report on the HMICFRS PEEL Inspection be approved for publication and the draft correspondence to the Minister of Justice be approved for issue **(AP7)**

8.5 NIO Consultation on Non-Jury Provisions 2020-21- Draft Response

The Director of Performance presented a paper which updated the Board on the launch of a public consultation by the Northern Ireland Office on the non-jury trial provisions in the *Justice and Security (Northern Ireland) Act 2007*.

Members discussed the proposed draft response to be issued on behalf of the Board and it was agreed that the Board's draft response to the Northern Ireland Office public consultation would be referred back to Performance Committee for further consideration. **(AP8)**

8.6 Draft PCSP Annual Effectiveness Review Report 2019-20

The Director of Partnership presented a paper asking the Board to approve the draft Policing and Community Safety Partnerships (PCSPs) Annual

Effectiveness Report 2019-20 as recommended by the Partnership Committee. Members noted this would also be subject to approval by the Joint Committee by written procedure.

It was **RESOLVED** that:

- The draft Policing and Community and Safety Partnership Annual Effectiveness Review Report 2019-20 as presented with tracked changes be approved for publication by the Joint Committee. **(AP9)**

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.

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

The Chair welcomed the Chief Constable, ACC Gray, ACC Todd and Mr Mark McNaughten PSNI T/Executive Director of Finance, Support Services and HR to the meeting.

The Chief Constable provided an update on the continued policing response to COVID-19 including the policing of funerals held in potential breach of COVID-19 Regulations and engagement with various stakeholders about the issue. The Chief Constable noted that the PSNI's approach was not to interrupt funerals but instead to gather evidence, follow-up and investigate potential breaches of COVID-19 Regulations subsequent to the event.

The Chief Constable also updated Members on a show of strength by the Ulster Volunteer Force (UVF) in Pitt Park, Belfast earlier in the week and acknowledged the negative impact that social media pictures of the policing response to the incident had. The Chief Constable further updated Members

on the 'fast-time' review conducted on the incident and the PSNI's continued response including the deployment of officers from the PSNI's Tactical Support Group (TSG) to the area.

The Chief Constable noted that there was ongoing engagement with various stakeholders about EU Exit issues including the Northern Ireland Protocol and the appearance of graffiti within communities in respect of the Irish Sea Border. However, the PSNI advised that their information had not indicated any credible threat to workers at Larne and Belfast ports.

The Chief Constable acknowledged the commitment and work of the police officers who had responded to the Wattle Bridge, Fermanagh security incident.

The Chief Constable noted that the PSNI's 2021-22 indicative budget represented a significant challenge and £23 million funding gap to the service in a time when the PSNI was at its busiest.

During the meeting Members discussed various issues with the Chief Constable including:

- The incident involving the UVF in Pitt Park, East Belfast and its impact on community confidence in policing. The Chief Constable noted that a review of the incident in East Belfast had been completed by the PSNI and the number of TSG officers in the area had been increased. ACC Gray also provided an update on the PSNI's work in tackling Paramilitarism including ongoing work with the National Crime Agency and Her Majesty's Revenue and Customs and seizure of illegal drugs and cash.
- The pace at which details of incidents can spread on social media meaning that relatives can learn of an incident online rather than via the police. The Chief Constable noted that the PSNI inform families as soon as possible but have an obligation to correctly identify those involved before notifying family members.

- The potential for societal disruption as a result of the end of the EU Exit transition period and subsequent implementation of the Northern Ireland Protocol. The Chief Constable provided an update on the PSNI's engagement with various stakeholders including the NIO, local government and other agencies to de-escalate situation noting that the PSNI did not have any information that there was a substantial threat to port workers in Belfast or Larne and that he appealed to political leadership to help calm the situation.
- The Chief Constable noted his commitment to maintaining Neighbourhood Policing Team numbers during 2021-22 but acknowledged the potential impact that the funding gap of £23 million may have on other PSNI services.
- The Chief Constable's engagement with Black Lives Matter leadership in Derry. The Chief Constable noted that the Community Relations Taskforce was intended to improve community relations and engagement.

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

The Board noted the responses provided by the Chief Constable to questions from the Performance and Partnership Committees.

11.3 Individual Members' Written Questions and Responses

The Board noted the responses received from the Chief Constable in response to written questions submitted from Members.

12. COMMUNICATION ISSUES

Members noted the issues that the Chair would be commenting on within the opening statement at the public Board Meeting, and that a press briefing would be held with the Chief Constable following the public Board Meeting.

13. 2021 SCHEDULE OF MEETINGS

The proposed schedule of Board and Committee Meetings from January to March 2021 was noted.

14. ANY OTHER BUSINESS

No other business was conducted.

15. DATE OF NEXT MEETING

The next Board meeting would be held on Thursday 4 March 2021.

The meeting closed at 12.46 pm.

The private meeting closed and the Board moved into public session at 1.05pm 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: February 2021

Chair: