

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 5 NOVEMBER 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
Mrs Joanne Bunting MLA*
(2) Mr Trevor Clarke MLA
Dr Janet Gray
Mr Edgar Jardine
(3) Mrs Dolores Kelly MLA*
Mr Gerry Kelly MLA
(4) Ms Liz Kimmins MLA*
Mr Seán Lynch MLA*
Mr Colm McKenna*
Mr Frank McManus*
(5) Ms Carmel McKinney
(6) Mr Mike Nesbitt MLA
Mr Mervyn Storey MLA*
(7) Ms Deirdre Toner

OPERATION KENOVA LEAD INVESTIGATOR

- (8) Mr Jon Boutcher

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (9) Mr Simon Byrne, Chief Constable
(10) Mr Mark Hamilton, Deputy Chief Constable
(10) Mr Alan Todd, Assistant Chief Constable
(9) Superintendent John McCaughan

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

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

Mr John Wadham, Human Rights Advisor*

*Attended meeting by video conference facility

- (1) Part item 4 to end (Joined at 9.37am).
- (2) Part item 5 to end (Joined at 9.51am).
- (3) Part item 4 to item 7.1. Item 8.1 to end (Joined at 9.37am and left at 10.25am. Rejoined at 10.50am).
- (4) Part item 4 to 8.5 (Joined at 9.37am and left at 12.45pm).
- (5) Item 1 to part item 8.3. Part item 8.4 to end (Left meeting at 12pm and rejoined at 12.05pm).
- (6) Present for all items except 8.4.
- (7) Item 1 to part item 8.3. Part item 8.4 to end (Left meeting at 12pm and rejoined at 12.05pm).
- (8) Item 8.1.
- (9) Items 8.1 and 10.
- (10) Item 10.

1. APOLOGIES

No apologies were received.

The Board agreed the Agenda for the meeting.

2. CONFLICTS OF INTEREST

A Member declared a conflict of interest in relation to agenda item 8.4 stating that he had a previous professional relationship with one of the individuals named.

A Member also declared a potential conflict of interest in relation to discussions about the PSNI's investigation into COVID-19 business grants

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paid to MLA constituency offices as he is an Independent Board Member for the Department for the Economy's (DfE).

3. MINUTES OF THE MEETING HELD ON 1 OCTOBER 2020

It was **RESOLVED**:-

- That the minutes of the Board meeting held on 1 October 2020 be approved.

4 BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meeting held on **1 October 2020** were noted in addition to the following verbal updates provided by the Chief Executive:

Action Point 1

A revised timeline has been added to the Engagement Strategy 2020-2023: Annual Programme of Work 2020-2021 that will be brought to the Partnership Committee for consideration. It was agreed that the action may be closed.

Action Point 2

The Chief Executive noted that confirmation had been received that the PSNI had secured EU Exit funding of £4.5 million and £1.065 million in capital funding. It was agreed that the action may be closed.

4.1 Response to Supplementary Question raised at 1 October 2020

The Board noted that in response to Action Point 3 from the meeting on 1 October 2020, the PSNI had provided additional information about the

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PSNI's use of section 44 of the Serious Crime Act 2007. A Member noted that he would discuss the matter further during the private meeting with the Chief Constable but it was agreed that the Action Point may be closed.

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 2 October 2020 and 3 November 2020.
- A list of correspondence received by the Chair during the period between 29 September 2020 and 30 October 2020.
- A list of correspondence issued by the Chair during the period between 2 September 2020 and 29 October 2020.

The Chair updated Members on his recent meeting with the Minister of Justice regarding the Board's recommendation to reduce PSNI Chief Officer and Senior Civilian Equivalents allowances. The Chair noted that the Minister of Justice had informed him that she was not minded to accept the Board's recommendation and that she had had discussion with the Police Remuneration Review Body (PRRB) with a view to asking it to review the PSNI Assistant Chief Constable salary and allowances. The Chair noted that the Minister had requested that the contracts for the PSNI Senior Officers appointed during 2020 be finalised in accordance with the existing allowance arrangements. Members noted that the timeline for the PRRB review was not yet known and the potential implications of the current allowances remaining in place.

The Chair also noted that in relation to the complaints that had been received about a Board Member's social media posts, the Vice-Chair had concluded

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the Informal Resolution Process. The matter had been referred to the Minister of Justice for consideration, and the Chair's correspondence to the Minister of Justice was included in Members' meeting papers for information. The Chair noted that he had no authority in relation to matters beyond the Informal Resolution Process which was detailed within the Board's Code of Conduct. Further, and as was detailed within the correspondence to the Minister of Justice, the Chair had no role in the appointment or removal of Members which was within the remit of the Minister of Justice.

Members also discussed correspondence dated 21 October 2020 from KRW Law about the PSNI's establishment of a Gold Group that was overseeing the Seapark storage facilities and it was agreed that Officials would respond to the correspondence noting that the Board's Human Rights Advisor was not a Board employee and was appointed to the Gold Group as an independent observer and would not be preparing a Report on the issue.

The Chair noted that, as had been discussed at previous meetings various stakeholders including the Office of the Police Ombudsman (OPONI) Criminal Justice Inspectorate for Northern Ireland (CJINI) and the Board had discussed establishing an Strategic Policing Oversight Group and the first meeting would be held during November 2020 when draft Terms of Reference for the Oversight Group would be discussed. The draft Terms of Reference would also be shared with the Board in due course after the Oversight Group had met and discussed the Terms of Reference.

In response to a Member's question about the range of representative groups that the Chair has engaged with, the Chair noted that since his appointment in April 2020 he had held a number of introductory meetings including with officials from the Department of Foreign Affairs of the Government of Ireland and that Board Officials would provide a list of groups that the Chair had met with to the Member.

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5.1 PSNI Annual Report and Financial Statements for the year ended 31 March 2020 and Letter of Representation to the Comptroller and Auditor General

The Board noted the PSNI Annual Report and Financial Statements for the year ended 31 March 2020 and Letter of Representation to the Comptroller and Auditor General dated 29 October 2020.

6. CHIEF EXECUTIVE'S REPORT

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

The Chief Executive noted that as part of the January Monitoring Round a £230k easement on the Board's budget would be declared to the Department of Justice (DoJ). The easements had largely been identified from reduced spend across some budget areas as a result of Covid-19.

The Chief Executive updated Members on the Board being re-awarded the Investing In Volunteers UK Standard for a further three years to October 2023 and thanked Members and officials for the support that they give to the Board's volunteer schemes.

The Chief Executive updated the Board on ongoing engagement between the Scottish Police Authority (SPA) and the Board's Audit & Risk Assurance Committee noting that the Chair of the SPA Audit and Risk Assurance Committee had invited both the Chief Executive and the Audit and Risk Assurance Committee (ARAC) Chair and Vice-Chair to a Development Day during October 2020 which she and the ARAC Vice-Chair had attended. Plans were also underway to ensure more engagement between SPA's ARAC and the Board's ARAC in due course.

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The Chief Executive also provided an update on Injury On Duty (IOD) matters noting that there had been recent engagement with a number of representative groups including the Police Federation Northern Ireland (PFNI), Military and Police Support of West Tyrone (MAPS). The Chief Executive further updated Members on the most recent position on the recommencement of Independent Medical Referee appointments which was the responsibility of the DoJ but the appointments were held at the Board's premises in Waterside Tower.

The Chief Executive further provided an update on an individual who had engaged with Board Officials on IOD matters as a representative of former officers. The Chief Executive noted that restrictions had been placed on the individual under the Board's Unacceptable Behaviour Policy but that these restrictions had been suspended as a result of assurances given to the Chief Executive and Chair at a meeting with the PFNI and MAPS on 27 October 2020. Members asked that the matter be kept under review and noted their support of the Chief Executive and Board Officials in ensuring that no staff were subject to any unacceptable behaviour while trying to progress work on behalf of the Board.

7. COMMITTEE REPORTS

7.1 Performance Committee 8 October 2020

The Board noted the Performance Committee Chair's Report that provided an overview of matters considered at the meeting on 8 October 2020. The Director of Performance noted that at the Committee meeting Assistant Chief Constable (ACC) McEwan had referred to the Code of Ethics being 'aspirational' which was reflected within the draft committee minutes and this would be discussed further at the next Committee meeting.

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7.2 Resources Committee 14 October 2020

The Board noted the Resources Committee Chair's Report that provided an overview of matters considered at the meeting on 14 October 2020. The Committee Chair updated the Members on the key issues from the meeting including a presentation received from PSNI on the Policing Plan Measure on Representativeness. The Chair also advised the Board that Resources Committee had considered additional information on an Ill Health Retirement case and agreed to uphold the previous decision. Committee members considered and made a recommendation to the Board to approve a Removal and Relocation Policy for Chief Officers and Senior Civilian Staff and it was

RESOLVED that:

- The Northern Ireland Policing Board's PSNI Chief Officer and Senior Civilian Staff Equivalents Removal and Relocation Policy be approved.

7.3 Partnership Committee 15 October 2020

The Board noted the Partnership Committee's Chair Report that provided an overview of matters considered at the meeting on 15 October 2020. The Committee Vice-Chair also updated Members on correspondence received by the Chief Executive from the Justice Committee Clerk dated 21 October 2020 seeking the Board's views on Policing and Community Safety Partnerships (PCSPs) providing funding to Support Hubs should the DoJ withdraw funding in the future, and email correspondence issued to all PCSP Managers from the DoJ about future funding of Support Hubs. It was agreed that Officials would respond to the correspondence from the Justice Committee Clerk and that the Chair address the issues with the DoJ directly.

8. BOARD BUSINESS

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8.1 Legacy Briefing on Operation Kenova and Operation Turma with the Chief Constable and Jon Boutcher

The Chair welcomed the Chief Constable and Mr Jon Boutcher to the meeting. Mr Boutcher updated Members on the progress and approach to the investigations including the establishment of an Independent Governance Board.

Members discussed a number of key issues with Mr Boutcher and the Chief Constable including:

- Mr Boutcher's accountability to the Chief Constable who was, in turn, accountable to the Board.
- The Independent Governance Board that had been established by Mr Boutcher and his role as Chair of the Board. The minutes of Governance Board meetings would be made available to the Policing Board for information.
- The focus of the Kenova and Turma investigations was to investigate criminal wrong doing and prepare files for consideration by the Public Prosecution Service (PPS), but the investigations also gave family members information about incidents involving their relatives.
- The recent decision by the PPS not to prosecute four individuals referred to it by the Kenova investigation.
- The Kenova and Turma investigation teams commitment to cooperate with Police Ombudsman investigations should the situation arise in the future.
- The monitoring of the Kenova and Turma budgets and audit arrangements by Bedfordshire Constabulary.
- Other governance structures in place to ensure proper oversight and reporting

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The Chair thanked Mr Boucher and the Chief Constable for attending the meeting.

8.2 Proposals for a Performance Plan Review Working Group 2021/22

The Director of Performance presented a paper which outlined a proposal that the Board should establish a Working Group to review the Policing Plan 2020-2025 and proposing a new Performance Plan for 2021/22. A Member requested that Officials amend paragraph 2.1 of the draft Terms of Reference to clarify that the Working Group would be reviewing the Annexes of the Performance Plan.

The Board **RESOLVED** that:

- A Working Group be established to review the current Performance Plan 2020/21 and to propose to the Board a new Performance Plan for 2021/22. The Working Group Members would be; Tom Frawley (Board Vice-Chair and Working Group Chair), Liz Kimmins, Michael Atkinson, Edgar Jardine, Mervyn Storey and three PSNI representatives. The Board further approved the draft Terms of Reference subject to them being amended.

8.3 Final Draft Report – Review of PSNI’s Response to COVID 19

The Director of Performance and the Board’s Human Rights Advisor presented the final draft report on the Review of PSNI’s Response to COVID-19 noting that on the recommendation of the Performance Committee the Board was asked to approve it. A Member expressed concerns on a number of areas of the report, including the lack of focus on republican funerals and disagreement with a number of paragraphs within the report. However, at this stage the Member stated that he was not opposed to the approval of the

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final draft for publication. The Director of Performance noted that a publication plan was being drafted but it was anticipated that the Report would be published in 7 to 10 days.

The Board **RESOLVED** that:

- The final draft report on the Review of PSNI's Response to COVID-19 was approved.

8.4 PSNI Above Delegated Authority Compensation Request

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

8.5 Draft Response to the Department of Health's Consultation on Cross-Departmental COVID-19 Vulnerable Children and Young People's Plan

The Director of Partnership presented a paper to the Board which outlined the proposed response on behalf of the Board to the DoJ consultation on the COVID-19 Vulnerable Children and Young People's Plan.

On the recommendation of the Partnership Committee, it was **RESOLVED** that:

- The response to the Department of Justice consultation was approved as presented.

9. KEY ISSUES OF PUBLIC INTEREST

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

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

The Chair welcomed the Chief Constable, the Deputy Chief Constable (DCC) and ACC Todd to the meeting.

The Chief Constable provided an update on the continued policing response to COVID-19 including the delay to printing new Enforcement Notices after the fines for breaching COVID-19 Regulations were increased. The Chief Constable also noted that while the PSNI had received £4.5 million in EU Exit Funding from the DoJ a number of uncertainties as a result of EU Exit including the policing implications still existed.

The Chief Constable further updated Members on consideration being given to establishing a Serious and Organised Crime centre similar to the Police Scotland crime centre at Gartcosh, Lanarkshire. The Chief Constable further noted that the investigation into alleged breaches of COVID-19 Regulations at Bobby Storey's funeral in June 2020 was ongoing by DCC Mark Webster, Cumbria Constabulary. The Chief Constable noted that a complaint had been received from a political representative about the COVID-19 business grants paid to MLA constituency offices and while a crime had been recorded and a Gold Group established chaired by ACC Gray, as the DfE was the responsible Civil Service Department they would have to make a complaint before the matter may be progressed.

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

- Operation Kenova governance structures and how appropriate assurances can be provided to the Board as the accountability body for the Chief Constable. The Chief Constable noted that he and Mr Boutcher had agreed to undertake a 'deep dive' of Operation Kenova

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and it was agreed that further information would be provided to the Board following the conclusion of the 'deep dive' for further consideration. **(AP1)**

- The response received from the PSNI about the PSNI's use of s.44 of the Serious Crime Act 2007. In response to a Member's question, ACC Todd noted that any person suspected of an offence will be cautioned by the police and then questioned in accordance with the *Police and Criminal Evidence Act 1984 (PACE)*.
- The proposed Licensing law changes and the impact they may have on policing resources. ACC Todd noted that any change to Licensing laws which may mean that licensed premises close later at night would impact policing as shift patterns may have to change to allow officers to be on duty later. The Chief Constable further noted an increase in officer numbers would provide the opportunity to deal with the impact on PSNI resources.
- The recent media reports about the cost of the proposed officer uniform. The Chief Constable noted that the PSNI had challenged the reporting within the media article referred to as it was not accurate. The Chief Constable further noted that he personally had received broadly positive feedback on the on new uniform trial but that the consultation period would continue until January 2021 when the outcome would be brought to the Partnership Committee for further consideration.
- The PSNI's continued use of spit and bite guards. The Chief Constable noted that the use of spit and bite guards continued to be subject to a 4 weekly review.

11 QUESTIONS FOR THE CHIEF CONSTABLE

11.1 Issues Arising from Committees

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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 the question submitted to the Chief Constable from Resources Committees.

11.3 Individual Members' Written Questions and Responses

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

12. COMMUNICATION ISSUES

Members noted that the Final Report of the PSNI's Response to COVID-19 would be published within 7 to 10 days subject to the publication plan being finalised, and the competition to recruit a PSNI Chief Operating Officer would be launched on 11 November 2020.

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 3 December 2020.

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The meeting closed at 1.25 pm.

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: November 2020

Chair

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