

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 24 MARCH 2022 AT 9.30AM IN WATERSIDE TOWER, CLARENDON DOCK AND VIA VIDEO CONFERENCE FACILITY

PRESENT:

Mr Doug Garrett Chair
Dr Tom Frawley Vice-Chair
Mr Michael Atkinson
Mr Maurice Bradley MLA*
Mr Trevor Clarke MLA
Dr Janet Gray*
Mr Edgar Jardine
Mr Gerry Kelly MLA*
Mr Mike Nesbitt MLA
Ms Liz Kimmins MLA*
Mrs Linda Dillon MLA*
Mr Frank McManus*
Ms Carmel McKinney*
(1) Mr Jonathan Buckley MLA*
(2) Mrs Dolores Kelly MLA*

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

Mr Adrian McNamee, A/Chief Executive
Mrs Dymphna Thornton, Director of Partnership
Ms Aislinn McGuckin, T/Director of Police
Administration
Ms Jenny Passmore, Director of Resources
Three Board Officials

*Attended meeting by video conference facility

- (1) On video conference from 10am
- (2) On video conference from item 3 on

1. APOLOGIES

Apologies were received from Mr Colm McKenna, Ms Deirdre Toner, Mr John Blair MLA, Ms Joanne Bunting MLA and Mrs Sinead Simpson for the full meeting. Apologies were also received from Mr Jonathan Buckley MLA for the early part of the meeting.

2. ELECTION OF CHAIR AND VICE CHAIR

The A/Chief Executive assumed the role of Chair for the election of Chair and Vice-Chair. Members were advised that the current Chair and Vice-Chair's term of office ends on 2 April 2022 in accordance with the terms of appointment.

Guidance for the election of the Board Chair and Vice-Chair is set out in paragraph 4 of the Board's Standing Orders and the Chair and Vice-Chair shall be elected on each occasion to serve for a period of two years. The position of Policing Board Chair and Vice-Chair is made by the Board from among its Members. In compliance with these Standing Orders it was confirmed that there were 12 voting Members present to allow the election to proceed.

Nominations were asked for Board Chair and Mr Doug Garrett was nominated by Mr Gerry Kelly MLA and seconded by Mr Mike Nesbitt MLA. No further nominations were received and it was **AGREED** by all to elect Mr Doug Garrett.

It was **RESOLVED**:

- That Mr Doug Garrett is elected as Chair of the Northern Ireland Policing Board.

Nominations were then asked for Vice-Chair and Dr Tom Frawley was nominated by Mr Trevor Clarke MLA and seconded by Mr Mike Nesbitt MLA. No further nominations were received and it was **AGREED** by all to elect Dr Tom Frawley.

It was **RESOLVED**:

- That Dr Tom Frawley is elected as Vice-Chair of the Northern Ireland Policing Board.

The A/Chief Executive asked the newly elected Chair, Mr Doug Garrett, to Chair the remainder of the meeting.

3. CONFLICTS OF INTEREST

No conflicts of interest were declared. No additional items of business were declared.

4. DRAFT MINUTES OF THE BOARD MEETING HELD ON 3 MARCH 2022

It was **RESOLVED**:-

- That the minutes of the Board meeting held on 3 March 2022 be approved.

5. BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meeting held on 3 March 2022 were noted in addition to the following verbal updates provided by the A/Chief Executive.

Action Point 1

Work is ongoing with the draft Tripartite agreement between NIPB, PSNI and Department of Justice (DoJ) and the Chief Executive is taking this item forward with the parties involved.

Action Point 2

The Board Effectiveness paper has been updated to reflect Members' feedback at the previous Board meeting and the updated version is attached at agenda item 5.1 of today's meeting papers.

Action Point 3

Clarification was provided in respect of the Human Rights Advisors (HRA) Contract and number of working days. It was confirmed that the HRA is contracted for 2 days per week and the Director of Performance has reverted to the Member who raised the query with this information.

Action Point 4

The A/Chief Executive advised that correspondence had been issued to the Department of Justice in respect of the Draft PSNI Budget 2022-23 and the Board's request for additional funding to address financial shortfalls outlined in the Draft PSNI Resource Plan for the next financial year. The A/Chief Executive noted that this letter is also attached at agenda item 5.2 for Members' information.

Action Point 5

Members noted an update in respect of the Operation Yurta report and the expected timeline for receipt of Counsel's report as the first week of May 2022. This item will remain open on the Action log until the report has been received by the Board.

5.1 Review of NIPB Effectiveness

Members **NOTED** the overview of issues emerging from recent reviews of NIPB effectiveness and the amendments made following discussion at the 3 March 2022 Board meeting.

5.2 Correspondence to Minister of Justice re Police Budget 2022/23

Members **NOTED** the correspondence to the Minister of Justice outlining the case for additional funding for the Police Budget in 2022-23.

6. CHAIRPERSON'S BUSINESS

6.1 Chair's Report

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

- The Chair's engagements, including meetings held by teleconference and video conference facilities during the period between 4 March 2022 and 24 March 2022.

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

- Attendance at the first Annual Police Federation Bravery Awards. It was further noted that this was a very positive and worthwhile event in terms of recognising first responders and the work of the officers of the PSNI.
- Telephone call with Peter May to advise of his move to the Department of Health (DoH), leaving his position as Permanent Secretary at the Department of Justice. This role will be taken up by Richard Pengelly and a meeting will be arranged as soon as practicable.
- Meeting with the Chief Executive to welcome and provide support to the new Assistant Chief Constable and Assistant Chief Officer for Strategic Planning and Transformation who have recently joined the PSNI Service Executive Team.
- A list of correspondence received by the Chair during the period between 26 February 2022 and 18 March 2022.
- A list of correspondence issued by the Chair during the period between 26 February 2022 and 18 March 2022.

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

- Information received from the PSNI in respect of the schedule for legacy compensation cases. This will be considered further at the Resources Committee and provides details around the number of cases in the pipeline where the Chief Constable is named as a defendant.
- Correspondence received in respect of actions taken to address the lack of female representation at senior levels within the PSNI. Members noted the PSNI commitment to address this area of concern going forward.

7. CHIEF EXECUTIVE'S REPORT

The Board noted a report from the A/Chief Executive which provided an update on various items of business. The A/Chief Executive highlighted the following items:

- Following ongoing delays to the Board's planned relocation to James House, it was noted that engagement is continuing with the DoF project team to finalise a timeline for the move.
- In respect of the Policing Plan Survey 2022, the final draft report has been received from Perceptive Insights. The plan is to launch the Survey findings as "Official Statistics" and officials are currently working with NISRA officials in order to follow the requirements of the UK Code of Practice for Statistics. Publication of survey findings is scheduled for 12 May 2022.

A Member raised a query in respect of the backlog of FOI and GDPR requests received in 2021 and 2020 and requested assurances that these will be cleared within a reasonable timescale. The T/Director of Police Administration advised that delays were due to awaiting legal advice and that all 2020 requests will be cleared before the end of March 2022 and the majority of 2021 requests will be cleared after receipt of necessary legal advice.

8. COMMITTEE REPORTS

8.1 Performance Committee 10 March 2022

The Board noted the Performance Committee Vice-Chair's Report and draft minutes of the meeting held on 10 March 2022. In the absence of the Performance Committee Chair, the Vice-Chair also provided a verbal update on matters considered at the meeting which included an update on the Report on Policing Plan Measure 1.1.1 Repeat Victims – CSAE, Hate Crime and Repeat Victimisation. A presentation was also given by the PSNI on the work of the Professional Standards Department, and the Human Rights Advisor presented the monthly report for February 2022.

A Member raised a query in respect of the terminology used in the Human Rights Advisors' report for February 2022 and suggested that it was previously agreed that the term "Thematic" would not be used in relation to the drafting of the Human Rights of Police officers report or the Human Rights report on Use of Force. A Member subsequently queried the requirement to remove the term and following discussion it was agreed by Members to remove reference to the term "Thematic" for these specific reports.

Committee Members present **AGREED** to **APPROVE** the Minutes of the Performance Committee held on 10 March 2022 subject to this change being made.

8.2 Partnership Committee 10 March 2022

The Board noted the Partnership Committee Vice-Chair's Report and draft minutes of the meeting held on 10 March 2022. The Vice-Chair also provided a verbal update on matters considered at the meeting including an update on two new Policing Plan Measures: 3.1.2 – Identify and report on NPT initiatives to address local issues and 3.1.3 – Assess and evaluate the impact of PSNI working in partnership with local communities.

The Committee also considered and discussed the following items – the Annual Committee Report 2021/22, the PCSP Annual Effectiveness Report for 2020/2021, and received a Communications Update Report.

Committee Members present **AGREED** to **APPROVE** the Minutes for the Partnership Committee held on 10 March 2022.

8.3 Audit and Risk Assurance Committee – 16 March 2022

The Board noted the Audit and Risk Assurance Committee Vice-Chair's Report of the meeting held on 16 March 2022, and in the absence of the Committee Chair, the Vice-Chair provided a verbal update on matters considered at the meeting. These included consideration of the Corporate Risk Register (CRR), an update on NIPB complaints, consideration and approval of the proposed 2022-23 Internal Audit Work Plan, and discussion of the NIAO Strategy for the NIPB External Audit 2022-23.

Committee Members present **AGREED** to **APPROVE** the Minutes for the Audit and Risk Assurance Committee held on 16 March 2022.

9. BOARD BUSINESS

9.1 Functioning of Board Post-Elections

The A/Chief Executive presented a paper, the purpose of which is to remind Members of the departmental advice on the functioning of the Board post-election; to set out a limited programme of work that can be taken forward by officials and highlight the decisions/approvals that cannot be taken by officials.

To provide context, the Charity Commission judgement in 2019 impacts on the ability of the Board to delegate functions to Board officials in the event of a delay in forming an Assembly and Executive post election.

Advice was therefore sought from the Department of Justice on the functioning of the Board pre- and post-elections. The response from the Permanent Secretary of the Department advised that in light of recent legislation Ministers will continue to hold Office and will have the ability to exercise their powers to appoint new political members to the Board.

In the event, however, that there is not a fully constituted Board, officials have set out a limited contingency programme which would allow work to continue in a number of areas including “Routine planning and developmental work” and “Drawdown of Funding”.

The A/Chief Executive also outlined the decisions and approvals that could **not** be taken in the absence of a fully constituted Board. These included:

- Pension Administration Determinations
- Approval of spend above delegated authority limits
- PSNI secondments
- PSNI Assisted Removals
- Sign off on Annual Report and Accounts
- Acquisition or Disposal of land
- Novel or contentious expenditure

Members raised a number of points including clarification on why there would not be a constituted Board if Ministers will remain in post and be able to nominate Members without a functioning Executive? The Chair responded that the situation may be subject to the political landscape post-election and this unknown factor may impact political nominations to the Board. Another Member sought clarification in a situation in which one or more parties did not nominate to the Board. This was addressed by the Chair and it was stated that according to the D'Hondt principle if parties do not nominate then seats will be offered to other parties that will nominate.

Members **NOTED** the departmental advice on the functioning of a Board post-election and **NOTED** the decisions/approvals that cannot be taken by officials.

Members also **AGREED** the limited programme of work that can be taken forward by officials.

9.2 Outcome of ACO People and Organisational Development Competition (verbal update)

The Vice-Chair of the Board, who chaired the recruitment panel, outlined the assessment and selection process for the PSNI Assistant Chief Officer People and Organisational Development competition and noted that the Assessment and Selection Panel had, following a shortlisting process, interviewed four candidates on 23 March 2022.

The Vice-Chair noted the recruitment process consisted of instructing an Executive Search Organisation to assist with attracting a wide pool of applicants for the position. The panel was satisfied that this had been achieved and there was a very diverse range of applicants. There were six applicants in total, three male and three female and four applicants were shortlisted for interview. A psychometric assessment was undertaken to provide an indication of interview questions to focus on with regards to competencies. The recruitment panel consisted of six Members - two Political and four Independent, supported by Advisors. The assessment on the day was a two stage process – a presentation followed by a competency based interview, based on the PSNI competencies and values framework.

The Vice-Chair thanked Board colleagues for their support throughout the process as well as Senior PSNI officials, the representative from HeadsTogether and in particular the energy and commitment provided by the Board's Chief Executive.

The Vice-Chair advised that following the Assessment and Selection process a preferred candidate had been identified and deemed appointable.

The three other candidates interviewed have also been deemed appointable and should be placed on a reserve list in order of merit.

Following approval from the Board the Vice-Chair will provide a briefing to the Minister of Justice and recommend the appointment of the preferred candidate. After this process has been completed, the unsuccessful candidates will be informed.

The Chair of the Board asked if any Member had any questions; no Member questions were raised. Members indicated their support of the Assessment and Selection Panel's recommendation in respect of the appointable candidate, and the reserve list of three candidates.

It was **RESOLVED**:

- That the appointable candidate would be recommended to the Minister of Justice for appointment to the position of PSNI Assistant Chief Officer, People and Organisational Development, and also the reserve list of three candidates in the order provided.

10. 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.

11. QUESTIONS FOR THE CHIEF CONSTABLE

11.1 Individual Members' Written Questions and Responses

Members noted responses received from the Chief Constable in relation to Members' recent questions.

12. COMMUNICATION ISSUES

None raised.

13. ANY OTHER BUSINESS

Several Members took the opportunity to thank Board Officials, Political and Independent Members for their hard work throughout this mandate to ensure the best possible outcome for Policing for all parties involved.

The Chair echoed these sentiments and offered his thanks to the Vice-Chair, Board Officials and Members for their hard work. Finally, the Vice-Chair thanked the Chair for his leadership and positive approach as well as the work of Board officials.

No other business was conducted.

14. DATE OF NEXT MEETING

The next Board Meeting was scheduled for Thursday 19 May 2022 at 9.30am. Members were asked to note this is subject to change due to the upcoming Elections on 5 May 2022.

The meeting closed at 10.25am

Corporate Services

Date: March 2022