

NORTHERN IRELAND POLICING BOARD

**MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD
HELD ON THURSDAY 7 MARCH 2024 AT 9.30AM IN NIPB HQ, JAMES HOUSE,
BELFAST.**

PRESENT:

Ms Deirdre Toner (Chair)
Mr Edgar Jardine (Vice-Chair)
Mr Mark H Durkan MLA
(1) Mr Cathal Boylan MLA
(2) Mr Trevor Clarke MLA
(3) Mr Mike Nesbitt MLA
Mr Brendan Mullan
(4) Mr Gerry Kelly MLA
(1) Mrs Linda Dillon MLA
(1) Mrs Cheryl Brownlee MLA
(1) Ms Nuala McAllister MLA
Mr Peter Osborne
Mr Les Allamby
Mr Eóin Tennyson MLA
(5) Dr Janet Gray
Dr Kate Laverty
Mr Keith Buchanan MLA

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(6) Mr Jon Boutcher, Chief Constable
(6) Mr Chris Todd, T/Deputy Chief Constable
(6) Ms Pamela McCreedy, Chief Operating Officer
(6) Mr Bobby Singleton, Assistant Chief Constable
(6) Mr Mark McNaughten, Assistant Chief Officer
Corporate Services
(6) Mr Ryan Henderson, T/Assistant Chief
Constable
(6) Ms Clare Duffield, Assistant Chief Officer
People & Organisational Development
(6) Ms Aldrina Magwood, Assistant Chief Officer
Strategic Planning & Transformation
(6) Ms Melanie Jones T/Assistant Chief Constable
(6) Four PSNI Officials

NORTHERN IRELAND POLICING BOARD

Mrs Sinead Simpson, Chief Executive
Mr Sam Hagen, Senior Director of Resources

**OFFICIALS IN
ATTENDANCE:**

Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Partnership
Ms Natalia McMahon, A/Director of Police
Pensions & Injury Benefits
Four Board Officials

**OTHER OFFICIALS IN
ATTENDANCE:**

Mr John Wadham, Human Rights Advisor

- (1) Left at 1.25pm
- (2) From 9.45am on
- (3) Left at 2.10pm
- (4) Left at 1.40pm
- (5) Left at 2.40pm
- (6) Item 10 only

The Chair opened the meeting and acknowledged this will be her last full Board meeting as Chair of the Board. The Chair offered thanks and appreciation to Members and officials for their guidance and support since taking the role in December 2022, noting that it had been an extremely rewarding and challenging experience.

The Chair also wished Members and officials success in continuing the work of the Board and the important role of ensuring an efficient and effective police service which has the confidence of all communities in Northern Ireland.

The Vice-Chair offered his personal thanks and appreciation to the Chair for her leadership, hard work, dedication, and inclusive approach during a very challenging period for the Board and policing, over the last 6 months, and wished the Chair success and happiness in her future endeavours both personally and professionally.

1. APOLOGIES

Apologies were received from Mr Frank McManus and Mr Mukesh Sharma.

The Chair welcomed Cheryl Brownlee MLA, Eóin Tennyson MLA, Cathal Boylan MLA, and Keith Buchanan MLA as new political Board Members to their first Board meeting.

and thanked John Blair MLA, Joanne Bunting MLA, Liz Kimmins MLA, and Maurice Bradley MLA who had recently left the Board for their hard work, dedication, and collaborative approach.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. DRAFT MINUTES OF THE BOARD MEETINGS HELD ON:

3.1 Thursday 1 February 2024

In addition to the standard set of draft minutes a confidential annex had been shared with Members via CJSM in respect of the senior officers advisory group agenda item at the February meeting, outlining a private discussion with Members and later with the Chief Constable.

In respect of page 19, agenda item 8.2, in the draft minutes, a Member requested that the agreed action is amended to reflect that Members only approved the publication of the report on the Board's website and not the draft correspondence referred to in the agenda item.

It was **RESOLVED** that: -

- The confidential annex be approved and subject to the amendment above, the minutes of the Board meeting held on Thursday 1 February 2024 be approved for publication.

The Chief Executive advised that a number of confidential annexes of minutes relating to Board meetings held between June 2023 and September 2023 need to be agreed by Members and suggested this was actioned by way of written procedure ahead of the reconstitution of the Board in April 2024.

Members subsequently agreed for the confidential annexes of the meetings referenced above to be shared via CJSM to consider and approve by written procedure. **(AP1)**

4. BOARD ACTION LOG

Updates as detailed within the action log from the Board meetings held on 1 February 2024, 7 December 2023, 7 September 2023, and 6 July 2023 were **NOTED** in addition to the following verbal update provided by the Chief Executive:

In relation to action point 1 from the meeting on 1 February 2024, correspondence has been issued in respect of the case for legislative change for Injury on Duty (IOD) regulations and a response is awaited.

This matter was also raised in the Assembly and at an introductory meeting with the Justice Minister, Board Chair, and Vice-Chair.

In relation to action point 2 from the February meeting, matters concerning the review of the Board will be covered later in the meeting at agenda item 5.

In relation to action point 3 from the February meeting, the Chief Constable's performance objectives remain under discussion and these will be brought to the April Board meeting for consideration by Members.

In relation to action point 4 from the February meeting, additional amendments for inclusion in the Board's publication Report regarding the 22/23 HMIC report

were submitted and the publication report is now available on the Board's website.

In relation to action point 5 from the February meeting, appropriate action has been taken to address Members queries regarding the proposed secondment of the previous Deputy Chief Constable (DCC), noting that it was previously agreed by written procedure by a majority of Members to approve the secondment, and that this matter is now under consideration by the Justice Minister.

Members asked about the handling of a complaint against the previous DCC and the associated public commentary in respect of how it was managed by the Board. Following discussion it was agreed to issue a statement to clarify that the complaint was handled appropriately and in accordance with due process, and that independent expert advice had been received and carefully considered by the Board's Disciplinary Committee. **(AP2)**

In relation to action point 1 from the meeting on 7 December 2023, a response is awaited from the Department of Justice (DoJ) in respect of the process and provisions for maternity leave concerning Independent Board Members.

In relation to action point 4 from the meeting on 7 September 2023, the draft Memorandum of Understanding and revised reporting arrangements with the National Crime Agency (NCA) has been discussed by the Board's Performance Committee and the NCA is reconsidering the proposed amendments.

In relation to action point 9 from the meeting in September 2023, additional information is awaited from PSNI in respect of alleged covert surveillance of journalists and lawyers and the Chief Executive advised that a more detailed update will be provided at agenda item 6 of today's meeting.

Members asked the Chief Executive about:

- residential arrangements for the Chief Constable, noting that these would be discussed further at Resources Committee.
- whether the Performance Committee actions in relation to the Human rights report should be included in the Board action log, noting that this was not necessary as a report on all the recommendations would be brought through Performance Committee, and
- an update from PSNI on the implementation of data breach report recommendations, noting that this was to be discussed further with PSNI at today's meeting and that a written update report was expected soon.

Members **NOTED** the action log.

5. CHAIRPERSON'S BUSINESS

5.1 Chair's Report

The Board **NOTED** a Report from the Chair which advised Members of:

- The Chair's engagements carried out during the period 2 February 2024 to 5 March 2024
- A full list of correspondence issued and received by the Chair during the period 31 January 2024 to 6 March 2024.

The Chair highlighted the following engagements:

- Meeting with Assistant Chief Constable McEwan in his role as Chief Police Officer Staff Association (CPOSA) lead at which the Board re-committed to engage regularly with CPOSA.

- Introductory meeting with the Justice Minister to discuss progress on the implementation of PSNI data breach report recommendations, the Scofield High Court judgment from August 2023, the proposed secondment of the previous DCC, PSNI resourcing and recruitment challenges, long term policing objectives, misconduct arrangements, legislative changes proposed for Injury on Duty and Ill Health Retirement (IHR) regulations, and progress in relation to the review of the Board.

In respect of correspondence, the Chair highlighted the following items:

- Copy of correspondence from the Chief Constable to the NI Secretary of State in respect of PSNI resourcing and recruitment challenges.
- Correspondence received from the 'Blue Lights' group in respect of matters relating to the perception of a two-tier application of attendance management, IHR, disciplinary matters, and delays in the appeals process within PSNI.
- Correspondence from PSNI to advise of the temporary promotion of two senior officers to the position of Assistant Chief Constable.
- Correspondence from a serving police officer alleging sectarianism within PSNI, and it was agreed the matters raised will be taken forward by the Board's Resources committee.
- Correspondence received from a Board Member regarding the interim Kenova Report and request that a special Board meeting is convened to discuss the report in more detail.

Members raised the following matters with the Chair:

- Ongoing concerns in respect of sectarianism and misogyny and that PSNI is addressing these issues with a clear plan detailing next steps. **(AP3)**
- Provision of additional data in respect of demographic breakdown for the Cultural Audit, and it was agreed to follow up with PSNI on this matter. **(AP4)**
- Technical issue highlighted when viewing documents on the Board's digital sharing platform and it was agreed to follow up with officials to address and remedy. **(AP5)**
- Matters relating to the interim Kenova Report including a perceived conflict of interest for the Chief Constable in previous role as report author, role of the T/Deputy Chief Constable and Strategic Management Board in managing PSNI response to report, separating report findings and lessons learned, and following discussion it was agreed to invite key stakeholders including the Chief Constable, T/Deputy Chief Constable and current lead in the Kenova investigation team to a special Board meeting as soon as practicable. **(AP6)**
- Update on the Terms of Reference for the review of the Policing Board.

Members **NOTED** the update provided.

6. CHIEF EXECUTIVE'S REPORT

The Board **NOTED** a report from the Chief Executive which provided an update on various items of business, and the following matters were highlighted:

- Comprehensive update on the Investigatory Powers Tribunal (IPT) in respect of the allegation of PSNI covert surveillance on journalists and status of the ongoing process.

- Appointment of Independent Members to the Policing Board from April 2024 will be advised by DoJ in due course.
- The CJSM system used by the Board to share sensitive information securely will be implementing mandatory Multi Factor Authentication from 20 March 2024 and a guidance document has been provided for Members.
- The Board's management accounts for the period to the end of January 2024 is showing a small underspend which SMT are not unduly concerned about.
- Update on the work of Internal Audit and plans for 2024-25.
- Update on a number of senior officer issues, including future recruitment of senior officer plans.
- Update on review of PSNI Service Executive Team and the ongoing work of 'HeadsTogether' as external provider carrying out this process, noting that engagement continues with key stakeholders and a verbal report is expected soon.
- Update on submissions to the Police Remuneration Review Body (PRRB) and Senior Salaries Review Body (SRRB) in respect of the national pay review for federated officers and senior officers respectively.
- Update on the National Crime Agency (NCA) draft annual plan and process to ensure Members are given the opportunity to consider and provide comments during the consultation period.
- Update on FOI and DPA requests and ongoing work to respond to this workload, and clarification of recent Information Commissioner's Office guidance regarding the level of redaction applied to subject access

requests in respect of Ill Health Retirement (IHR) and Injury on Duty (IOD) applications.

- Update on reconstitution of Policing and Community Safety Partnerships (PCSP) and recruitment of Independent PCSP Members, and the Director of Partnership advised that work continues in this area and the target date for reconstitution remains on track for delivery.
- Update on the Board's Police Property Fund, and the ongoing work of the Engagement branch.
- Update on the work of the Board's Police Pensions & Injury Benefits (PPIB) Directorate, noting that caseload continues to grow and efforts continue to address the backlog despite ongoing challenges with PPIB resources and availability of medical practitioners. A Member raised specific concerns in respect of PSNI implementing IHR/ IOD payments and it was agreed to provide further information to officials after the meeting.

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

- Correspondence previously highlighted by the Chair in respect of PSNI resource requirement and publication of the independent 'Leapwise' report titled 'Assessing the officer and staff requirement for PSNI', with the final report available for Members to view on Decision Time.
- Role of Chief Constable in relation to the appointment of senior officers, and Members were advised that this matter will continue to be progressed by the Resources Committee.
- NCA draft Annual Plan 2024-25 is expected this month for consultation over a two-week period and officials will share the plan and seek

Members comments by written procedure to meet the consultation timelines.

- Progress update in respect of the recent Member development session and Members were advised that a paper will be brought to the April Board meeting. **(AP7)**

A Member expressed concerns in respect of the late availability of the draft NCA Annual Plan 2024-25 and that timelines are rushed and do not allow sufficient time to consider and scrutinise.

Members discussed the ongoing IPT referenced earlier in the meeting in respect of issues previously raised with PSNI regarding the allegation of covert surveillance on journalists and lawyers, the procedure for requiring the Chief Constable to submit a report to the Board under section 59 of the Police (NI) Act 2000, and the nature and process of a section 60 Inquiry. Members were subsequently provided with additional procedural documents in the meeting in relation to these processes.

Members discussed delays to the IPT hearing, timeframes, and costs of moving forward with the section 59/ 60 process, and that a more comprehensive update was required from PSNI as a matter of urgency.

Following discussion it was agreed to carry out a scoping exercise in respect of Section 59/ 60 processes, to update and reissue correspondence previously sent to the Chief Constable in September 2023 which addressed Members concerns at that time, and to seek assurances from the Chief Constable later in today's meeting that the matter would be expedited for the April 2024 Board meeting. **(AP8)**

Members **NOTED** the report.

7. COMMITTEE REPORTS.

7.1 Performance Committee – 8 February 2024

The Board noted the Performance Committee Chair's report and draft minutes of the meeting held on 8 February 2024.

The Chair provided a verbal update on matters considered at the meeting which included Policing Plan Measure 1.4.2 (Violence against Women and Girls), PSNI update on the Justice and Security Act reviewer's recommendations and the use of a spit and bite guard on a child, Human Rights Advisor's update report for December 2023 and January 2024, update on the Human Rights Five Year review and the ongoing work in reviewing the NCA Memorandum of Understanding.

Members **NOTED** the update provided.

7.2 Partnership Committee – 15 February 2024

The Board noted the Partnership Committee Chair's report of the meeting held on 15 February 2024, final minutes of the meeting held on 15 January 2024, and draft minutes of the meeting held on 15 February 2024.

The Member provided a verbal update on matters considered at the meeting on 15 February 2024 which included Policing Plan Measures 3.1.1 (Hallmarks), 3.1.2 (Neighbourhood Policing), and 3.1.3 (Impact), update on the PSNI local policing review, update on Independent Custody Visitor recruitment, the formation of a custody scrutiny panel, and a briefing on the work of the Paramilitary Crime Task Force.

Members **NOTED** the update provided.

7.3 Resources Committee – 22 February 2024

The Board noted the Resources Committee Chair's report of the meeting held on 22 February 2024.

The Resources Committee Chair provided a verbal update on matters considered at the meeting which included a PSNI fleet update, PSNI Finance report, draft PRRB submission, South Armagh review recommendations, and an update on the parental bereavement leave consultation process.

The Committee also considered one PSNI Above Delegated Authority request and the majority decision taken by Committee was to recommend the Board approves a maximum payment in respect of settlement of both the financial compensation and projected legal costs relating to a legacy case.

Members **NOTED** the update provided and the Resources Committee Chair handed back to the Board Chair to put the Committee's recommendation to the Board.

It was subsequently **AGREED** by Members to:

- **APPROVE** the Committee's recommendation in respect of a PSNI Above Delegated Authority request to make a maximum payment to settle both the financial compensation and projected legal fees relating to a legacy case.

8. BOARD BUSINESS

8.1 NIPB Draft Annual Business Plan 2024-25

The Director of Resources presented a paper asking Members to consider proposed actions for inclusion in the NIPB Annual Business Plan for 2024-25

as part of delivering the four objectives of the 2023-25 Corporate Plan. Members were also asked to consider and agree draft correspondence for issue to DoJ requesting Ministerial approval of the draft Annual Business Plan.

Members noted that this is the second and final Annual Business Plan for the 2023-2025 Corporate Plan and that in the coming year work will be progressed on the Board's new Corporate Plan from April 2025.

Members were provided with an overview of the Corporate Plan objectives and a breakdown of proposed actions for inclusion in the draft Annual Business Plan.

Members raised the following points in respect of the new actions proposed for the 2024-25 Business Plan:

- Amend wording of Objective A (iv) to reference 'including' engaging appropriately with staff associations.
- Amend wording in respect of the appointment of a 'new' Human Rights Advisor in Objective B (iv).
- Consider adding a new action in respect of the review of the Board and officials will consider which objective of the Corporate Plan this action relates to. **(AP9)**
- Split objective A (i) into two distinct actions with the appointment of PSNI Service Executive Team (SET) vacancies to be separate from monitoring effectiveness of revised SET structure.
- Split objective A (iv) into two distinct actions with advocating for pay settlements to be separate from advocating for PSNI funding.

- Carry forward from the 2023-24 business plan the action in respect of the completion of PCSP independent recruitment in Q1 2024-25 for objective C (i).
- Amend Objective A (iv) to be more concise when referring to advocating for funding for policing in Northern Ireland.
- Add new action to Objective D in respect of advocating for the implementation of the recommendations contained in the March 2020 NIAO report on IOD schemes.

A Member asked for the Board to support the Chief Constable's view that resourcing and officer numbers are insufficient to deliver an effective and sustainable Police Service and it was agreed to write to the Justice Minister to outline the Board's view that DoJ had been disproportionately disadvantaged in terms of funding in recent years. **(AP10)**

Subject to the above inclusions/amendments, following discussion it was **AGREED** to:

- **APPROVE** the actions proposed for inclusion in the NIPB draft Annual Business Plan 2024-2025, and
- **APPROVE** the correspondence for issue to DoJ seeking Ministerial approval of the NIPB draft Annual Business Plan 2024-2025.

8.2 Updated Committee Membership and Schedule of Meetings

The Chief Executive presented a paper outlining proposals as part of the Board's casual vacancy process to integrate new Political Members following recent changes to Board membership and the departure of Political Members,

noting that Members are required to agree these changes under paragraph 20 of the Board's standing orders.

Members were advised this is a temporary situation and a further review of committee membership will take place in April when the Board is reconstituted following changes to the Independent Membership.

The Chief Executive provided Members with options in respect of scheduling a special Board meeting on 4 April 2024 to elect a new Board Chair and Vice Chair and agree revised committee membership. This meeting will require a minimum quorum of 12 Members to allow for the election to take place and a full substantive Board meeting will then be scheduled on 11 April 2024. Members noted that in person attendance will not be possible at the public session but it will be streamed for public viewing.

Following discussion it was **AGREED** to:

- **APPROVE** the new Committee Membership as detailed in the paper, and
- **APPROVE** the preferred option to convene a special Board meeting on 4 April 2024 for the election of a new Chair and Vice-Chair followed by a full Board meeting on 11 April 2024.

Members also **NOTED** an updated schedule of meetings for the period up to June 2024 will now be circulated following agreement of the April Board meeting dates. **(AP11)**

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.

Members **NOTED** the update.

10. PRIVATE SESSION WITH THE CHIEF CONSTABLE

The Chair welcomed Chief Constable Jon Boutcher, T/Deputy Chief Constable Chris Todd, Chief Operating Officer Pamela McCreedy, Assistant Chief Constable (ACC) Bobby Singleton, T/ACC Melanie Jones, T/ACC Ryan Henderson, Assistant Chief Officer (ACO) People & Organisational Development Clare Duffield, ACO Strategic Planning & Transformation Aldrina Magwood, and ACO Corporate Services Mark McNaughten, to the meeting.

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

- Impact of resourcing challenges on ability to deliver effective Neighbourhood policing and whether this critical service is being disproportionately impacted by increasing pressures on PSNI resources.
- Clarity in respect of the optimum number of police officers required to deliver an efficient police service which is fit for purpose.
- Impact assessment of continued response to non-core, 'Health' related calls given that police services in England and Wales have recently reassessed and minimised their obligations in this area.
- Extent to which officers are trained to respond to Health related calls as they are often first responders and societal perception that PSNI is the emergency service of first and last resort.
- Ongoing issues with the expeditious removal of anti-immigrant posters within communities and PSNI role in conjunction with Department of

Infrastructure to remove offensive and intimidatory material of this nature.

- Acknowledgement and appreciation of work undertaken by the Chief Constable in previous role as lead in the Kenova Investigation team and further clarity in respect of the perceived or real conflict of interest given the Chief Constable's previous role as lead investigator in the Kenova investigation and author of interim report due to be published the day after this meeting.
- Update on work taking place to address serious and organised crime and expanding cross border relationships with An Garda Síochána to further promote an all Island approach to oppose this type of criminality.
- Perception that Northern Ireland has become a distribution hub for organised criminality and whether NCA invests sufficient resources to address this issue.
- Update on implementation of PSNI Data Breach report recommendations and the T/Deputy Chief Constable agreed to provide a written briefing to the Board as a matter of urgency.
- Correspondence in respect of the ongoing IPT into alleged surveillance of journalists and lawyers , and the lack of a detailed response on this matter, , and Board options if this is not forthcoming. Following discussion the Chief Constable confirmed that a written response will be provided to Members within four weeks.

The Chair thanked Chief Constable Jon Boutcher, T/Deputy Chief Constable Chris Todd, Chief Operating Officer Pamela McCreedy, Assistant Chief Constable (ACC) Bobby Singleton, T/ACC Melanie Jones, T/ACC Ryan Henderson, Assistant Chief Officer (ACO) People & Organisational

Development Clare Duffield, ACO Strategic Planning & Transformation Aldrina Magwood, and ACO Corporate Services Mark McNaughten for their private briefing to the Board and they left the meeting.

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 PSNI responses received to questions from the Performance Committee within this period.

11.3 Individual Members' Written Questions and Responses

Members noted the PSNI responses to Members written questions within this period and the follow up responses to Members questions at the Board meeting in February 2024.

12. COMMUNICATION ISSUES

The Communications manager summarised Members discussions from earlier in the meeting and Members agreed the following in respect of communications issues to be addressed:

- Board position on request to initiate Section 59/60 power of inquiry in respect of the surveillance of journalists.
- Board support for Chief Constable on PSNI Resourcing.

- Board meeting to be scheduled to consider Interim Operation Kenova Report.
- Clarification statement issued regarding action taken by the Board in respect of complaints against the previous Deputy Chief Constable.

13. ANY OTHER BUSINESS

No other Business was discussed.

14. DATE OF NEXT MEETING

The next Board Meeting is scheduled for Thursday 4 April 2024 at 9.30am in James House for the election of new Chair and Vice-Chair of the Board, followed by a full Board meeting on the 11 April 2024 in the Stormont Hotel, Belfast.

The private meeting closed at 3pm.

Strategic Planning & Governance

Date: March 2024

Chair