

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 6 APRIL 2023 AT 9.30AM IN THE STORMONT HOTEL, BELFAST.

PRESENT:

Ms Deirdre Toner (Chair)
Mr Edgar Jardine (Vice-Chair)
Dr Janet Gray
Mr Mukesh Sharma
Ms Joanne Bunting MLA
Mr Maurice Bradley MLA
Mr Trevor Clarke MLA
Dr Kate Laverty
Mr Les Allamby
Mr Brendan Mullan
Mr Gerry Kelly MLA
Mrs Linda Dillon MLA
Mr John Blair MLA
Ms Nuala McAllister MLA
Mr Peter Osborne
Mr Frank McManus
(1) Mr Mike Nesbitt MLA
Mr Mark H Durkan MLA

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (2) Mr Simon Byrne, Chief Constable
- (2) Mr Mark Hamilton, Deputy Chief Constable,
- (2) Ms Pamela McCreedy, Chief Operating Officer
- (2) Mr Bobby Singleton, Assistant Chief Constable
- (2) Mr Mark McEwan, Assistant Chief Constable
- (2) Mr Chris Todd, Assistant Chief Constable
- (2) Representative, Strategic Communications & Engagement
- (2) Mr Liam McPhillips, Chief Inspector Executive Support Team
- (2) Mr Robin Dempsey, Strategic Communications & Engagement

NORTHERN IRELAND POLICING BOARD

Mrs Sinead Simpson, Chief Executive
Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Partnership

**OFFICIALS IN
ATTENDANCE:**

Four Board Officials

**NIPB HUMAN RIGHTS
ADVISOR:**

Mr John Wadham

OTHER ATTENDEES

Superintendent Ian Magee, Secretary,
Superintendents Association NI (SANI)

- (1) **Left after the public session**
- (2) **Item 10 only**

1. APOLOGIES

Apologies were received from Ms Liz Kimmins MLA.

The Chair also congratulated Liz Kimmins on the birth of her new baby.

The Chair welcomed new Independent Members Mr Mukesh Sharma and Mr Brendan Mullan, who took up post on 1 April 2023, to their first monthly Board meeting.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. DRAFT MINUTES OF THE BOARD MEETING HELD ON:

3.1 Thursday 2 March 2023

It was **RESOLVED:-**

- That the minutes of the Board meeting held on 2 March 2023 be approved.

A Member raised a query regarding an infographic which had not been used in NIPB communications to raise awareness of the Policing Plan survey results – the Communications Manager undertook to engage with the Member regarding the language and possible amends to NIPB communications. **(AP1)**

4. BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meetings held on 8 December 2022, 2 February 2023 and 2 March 2023 were noted in addition to the following verbal updates provided by the Chief Executive:

In respect of Action Point 4 from the meeting on 2 March 2023, a reply from the Department of Justice (DoJ) on the Board's new Corporate Plan has now been received and arrangements for its publication are in place. Members noted that in the absence of a Minister for Justice, the plan can be published in draft format only and Ministerial approval would be sought at the earliest opportunity.

In relation to Action Point 2 from the meeting on 2 February 2023, the Deputy Chief Constable (DCC) has advised that the lessons learned report from Op Yurta will be shared with Members at the May 2023 Board meeting, therefore this action will remain open until it is received.

In relation to Action Point 1 from the 8 December 2022 meeting, Board officials met with Land & Property Services re the D1 process on 7 March 2023 and the issues raised at that meeting will be fed into the May Resources Committee. It was proposed that this action could be closed, and any issues can be addressed through Resources Committee – Members confirmed they were content with this approach.

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 3 March 2023 to 31 March 2023.
- A full list of correspondence issued and received by the Chair since the Board meeting on 2 March 2023.

In relation to engagements the Chair noted that she has had a number of introductory meetings in the period, and where appropriate she has asked the Chief Executive to feed issues arising from those meetings into the relevant Committees.

The Chair also highlighted the following engagements:

- A meeting with the Board Vice-Chair and the DoJ Permanent Secretary on 8 March 2023. The Chair noted she raised the Board's significant concerns about the impact of the budget issues on operational policing. The DoJ Permanent Secretary assured the Chair and Vice-Chair they recognised the challenges and were making representations to Department of Finance (DoF) in this regard. Members noted that the Permanent Secretary is continuing to engage with PSNI in relation to further information which would be of assistance in respect of their representations to DoF.
- A meeting on 15 March 2023 led by DoJ with representatives from other DoJ arms-length bodies on the budget position and the DoJ strategic priorities.

- A meeting with the Chief Constable on 30 March 2023, to conduct his end of year review, which is also reflected in the paper to be discussed later in the meeting at agenda item 8.2.

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

- Correspondence received from DoJ on the development of the Tripartite Partnership Agreements; noting DoJ have advised this will be progressed following their work on the development of the long term policing objectives;
- Correspondence received from NIO dated 28 March 2023 formally notifying the Board of the increase in the threat level from “substantial” to “severe”;
- Correspondence received from PSNI providing an update on Operation Kenova and other legacy investigations;
- Correspondence received from PSNI on the new Chief Officer Development Programme which is included in the Addendum papers at agenda item 5.

During discussion several Members raised concerns regarding the new Chief Officer Development Programme, which replaces the Strategic Command Course from 2023, specifically:

- whether this is a pass/fail course or does attendance and completion of the course mean a candidate is then eligible to apply for ACC grade posts;

- concerns regarding a potential drop in standards and also that it could lead to a perception of different standards for different grades (eg Sergeants/Inspectors exams remain a pass/fail process);
- clarity on whether Superintendents will also be considered eligible for the programme and the potential for this to enhance opportunities to achieve representativeness at senior levels within the PSNI.

It was agreed to write to the PSNI, seeking clarity on these issues. **(AP2)**.

5.2 BRIEFING FROM SUPERINTENDENTS ASSOCIATION

The Chair welcomed Superintendent Ian Magee, Secretary of the Superintendents Association NI (SANI) to the meeting, and he presented Members with the SANI perspective in respect of the budget pressures and wider cost of living crisis.

The SANI Secretary gave an overview of the issues currently experienced by its Members and highlighted the following areas of concern:

- The reduction in resources as a result of the budget pressures following implementation of the Resource Allocation Model (RAM), and the burden on those staff who remain who are being asked to do more with less;
- Concerns regarding the ability to sustain critical specialist teams and units in order to protect core functions and maintain service delivery, noting the increase in public demand;
- Concerns in respect of the level of potential cuts planned for next year (2023-24), limited recruitment opportunities, increased sickness and

absence levels and the impact of delayed and insufficient pay awards on Officer and Staff morale, in light of ongoing cost of living challenges;

- The human cost and the impact all of the above has on staff and officer's personal lives.

Members raised the following points with the SANI Secretary:

- What action is being taken to measure the level of dissatisfaction in the junior ranks and measures to increase morale in the junior ranks;
- The allocation of the overtime budget per district;
- Reprofiting of the policing model, including a discussion on urban and rural policing teams;
- The effectiveness, and role, of the PCSPs;
- The staff numbers required per policing unit to allow the unit to operate effectively.

Members **NOTED** the update and thanked the SANI Secretary for the comprehensive briefing.

6. CHIEF EXECUTIVE'S REPORT

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

- Judicial Review proceedings against the Board in respect of its recent decision regarding the disposal of the former Castlederg PSNI Station. The Chief Executive advised the Board are currently liaising with the legal advisors regarding next steps.
- Staff successfully moved into James House during the period 24 - 31 March. The Chief Executive noted Board Members received information

on the arrangements for James House at the Induction/Development Days on 28 & 29 March 2023 including proposals for an orientation visit on 20th April 2023. An email has been issued to all Members outlining the arrangements and other useful information.

- Preliminary work has commenced on the Annual Report and Accounts with drafts planned to go to ARAC on 23 May 2023 and then again in June 2023 in order to meet the statutory timeframes.
- Work has commenced regarding the PCSP Independent Member recruitment campaign and letters issued earlier this week to all council Chief Executives to advise what is required of them. Planning work has begun to host regional events for the purposes of raising awareness of the PCSP network and encourage applications.

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

Correspondence received from the DoJ Permanent Secretary regarding payments to PSNI officers who provide mutual aid. The Chief Executive advised Resources Committee participated in the consultation referred to in the letter and agreed that PSNI officers should not be disadvantaged in terms of allowances paid and the letter confirms that following consultation, the regulations around mutual aid are to be amended to ensure PSNI officer allowances are in line with those in England and Wales. The Chief Executive advised of the timeframe to provide a response and Members confirmed they were content for correspondence to be issued in support of the proposed amendments in relation to payments of mutual aid to officers. **(AP3)**

7. COMMITTEE REPORTS

7.1 Performance Committee – 9 March 2023

The Board noted the Performance Committee Chair's Report and draft minutes of the meeting held on 9 March 2023. The Chair also provided a verbal update on matters considered at the meeting which included an update from the PSNI's Legacy and Disclosure Branch, an update from the PSNI on Human Rights Recommendations 2020/21, the draft report on the Human Rights Review of PSNI Privacy and Policing and the Human Rights Advisor's update report for February 2023. Members also considered a DoJ report on Potential Over-representativeness in the Youth Justice System".

With regard to the update provided by the Legacy and Disclosure branch Members suggested that it would be useful to receive an update on Operation Kenova. Members also agreed that it may be helpful for Mr Jon Boutcher to attend alongside the Chief Constable. The Director of Performance to issue a letter of invitation to the Chief Constable in this regard. (AP4)

Members **NOTED** the report.

7.2 Partnership Committee – 16 March 2023

The Board noted the Partnership Committee Chair's Report and draft minutes of the meeting held on 16 March 2023. The Chair also provided a verbal update on matters considered at the meeting which included updates on Annual Performance Plan Measures 2022\23 in particular 2.1.1 - The level of public Confidence in policing and 2.2.1 - The level of Satisfaction with the service received.

The Committee also received a presentation from the winners Neighbourhood Policing Category of the PSNI's Problem Solving Awards 2022 and updates on the Independent Custody Visitors (ICV's) Annual Conference 2023 and Suggested Actions from PCSP/PSNI Regional Events.

Members **NOTED** the report.

7.3 Resources Committee – 23 March 2023

The Board noted the Resources Committee Chair's Report from the meeting on 23 March 2023. The Chair also provided a verbal update on matters considered at the meeting which included a presentation from the PSNI Head of Procurement and Logistics, the monthly PSNI Finance report and the draft PSNI 2023-24 Resource Plan and an update on a Judicial Review judgment following a challenge to a decision taken by the Board to refuse an Injury on Duty Award for two former PSNI Officers. The Committee also considered three Above Delegated Authority requests which required the Committee to make a recommendation to the Board. These were:

- Proposed settlement of a case for compensation payments Above Delegated Authority limit;
- Proposed settlement of compensation case legal costs Above Delegated Authority limit;
- Above Delegated Authority request for proposed charitable donation to Care of Police Survivors.

Following his report to the Board the Resources Committee Chair handed back to the Board Chair to put the Committee's recommendations to the Board.

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

- **APPROVE** the Committee's recommendations in respect of the three Above Delegated Authority requests referenced above.

Board officials to arrange for the necessary approvals to be forwarded to PSNI/DoJ. **(AP5)**

7.4 Audit and Risk Assurance Committee – 23 March 2023

The Board noted the Audit and Risk Assurance Committee Vice-Chair's Report from the meeting on 23 March 2023. The Vice-Chair also provided a verbal update on matters considered at the meeting which included a presentation from the Chair of Police Pension Board and the Board's Independent Pensions Advisor on the McCloud Remedy project, the NIAO Strategy for NIPB External Audit 2022-23, the Board's Corporate Risk Register and the Internal Audit Workplan for 2023-24. The Vice-Chair also noted that the Committee also considered the Internal Audit Charter which the Committee agreed to recommend to the Board for approval.

Following his report the ARAC Committee Vice-Chair handed back to the Board Chair to put the Committee recommendation to the Board.

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

- **APPROVE** the Committee's recommendation in respect of the Internal Audit Charter.

In relation to the Internal Audit Charter, a Member raised a query regarding the timeframe for Internal Audit representatives to have an audit's final report issued to Board officials following receipt of the Management's response to the draft report. Following discussion, it was **AGREED** that this would be considered in the context of the new Internal Audit Memorandum of Understanding which is expected to be received over the next several weeks. **(AP6)**

8. BOARD BUSINESS

8.1 Board Standing Orders and Updated Committee Membership

The Chief Executive presented the paper which, as well as Committee Membership, also outlined Induction Plans, principles for the scheduling of Board and Committee Meetings and also requested Members' agreement on an amendment to Standing Orders.

The Chief Executive noted that pursuant to Section 25 of the Board's Standing Orders, these should be reviewed at the start of each new Board. She noted that on this occasion one amendment was proposed in relation to paragraph 12 "Order in Debate upon Motions".

The Chief Executive explained the intended effect of the change is to provide clarity regarding amendments to motions and that they be limited to the purposes set out in paragraph 12(e) only, and shall not have the effect of rescinding the original motion.

The Chief Executive referred Members to the proposed new Committee Membership of each of the Board's standing Committees, and noted the factors considered when drafting the proposals (such as balance and representation of gender, community background, skillset, and the integration of new Members). Members were asked to agree the proposed Committee Membership and appoint Members to the Committees, as set out in the paper at Annex B, and in line with s. 24 of Schedule 1 of the Police (NI) Act 2000.

The Chief Executive noted that following the departure of the outgoing Independent Members and the reorganisation of the Committee memberships the positions of Chair and Vice Chair of the ARAC Committee and Vice-Chairs of Resources and Partnership Committees were now vacant. The Chief Executive outlined the process for the election of Chair and Vice-Chair to these Committees and Members agreed to nominate, second and elect Chair and Vice-Chair to each of the vacant positions.

Members were asked to nominate a Chair for the Audit and Risk Assurance Committee. Mr Brendan Mullan was nominated by Mr Gerry Kelly MLA and seconded by Mr Frank McManus. No further nominations were received and it was AGREED by all to elect Mr Brendan Mullan.

Nominations were asked for Vice-Chair and Mr Peter Osborne was nominated by Mr Frank McManus and seconded by Mrs Linda Dillon MLA. No further nominations were received and it was AGREED by all to elect Mr Peter Osborne.

It was **RESOLVED**:

- That Mr Brendan Mullan is elected as Chair and Mr Peter Osborne is elected as Vice-Chair of the Audit and Risk Assurance Committee.

Members were asked to nominate a Vice-Chair for the Partnership Committee. Mr Mukesh Sharma was nominated by Dr Janet Gray and seconded by Mrs Linda Dillon MLA. No further nominations were received and it was AGREED by all to elect Mr Mukesh Sharma.

It was **RESOLVED**:

- That Mr Mukesh Sharma is elected as Vice-Chair of the Partnership Committee.

Members were asked to nominate a Vice-Chair of the Resources Committee. Mr Frank McManus was nominated by Mr Gerry Kelly MLA and seconded by Mrs Linda Dillon MLA. No further nominations were received and it was AGREED by all to elect Mr Frank McManus.

It was **RESOLVED**:

- That Mr Frank McManus is elected as Vice-Chair of the Resources Committee.

The Chief Executive explained the principles of the scheduling of the monthly Board and Committee meetings on consecutive Thursdays throughout the

month and highlighted a schedule of meetings attached with the paper being considered which covers the period up to end of June 2023.

The Chief Executive also outlined the plans for an Induction Programme for new Board Members which included the two-day induction/development session on 28 and 29 March 2023 on strategic Policing Board issues and an in depth briefing on key policing issues from the PSNI, as well as an overview of the remit of each of the Assistant Chief Constables and Assistant Chief Officers. The Chief Executive noted it is intended to have an “away” session of this nature every 6 months and the next event will be held in Autumn 2023.

The Chief Executive advised that in addition to the briefing session held in Waterside Tower on 18 November 2022 for those new members who took up post on 1 December 2022, (covering the role, purpose and Terms Of Reference (ToR) of the Committees of the Board), a further session has been arranged for 26 April 2023 for the additional new Independent Members who joined the Board on 1 April 2023. The Chief Executive advised all Members are welcome to join and give their perspective on the work of Committees.

Following discussion Members:

- **AGREED** to update the Board’s Standing Orders with the proposed amendment as outlined in Section 2 of this paper and explained by the Chief Executive;
- **AGREED** to appoint Members to each of the Board’s standing Committees as discussed and in line with s. 24 of Schedule 1 of the Police (NI) Act 2000 and that the vacant Chair and V/Chair positions be filled as outlined above.

- **AGREED** the scheduling principles outlined above for Board and Standing Committees, and **NOTED** the programme of upcoming meetings and
- **NOTED** the plans for the Induction Programme.

8.2 CHIEF CONSTABLE & DEPUTY CHIEF CONSTABLE CONTRACTS

The Chief Executive presented a paper seeking Members views on extensions to the contracts of the Chief Constable and Deputy Chief Constable. A confidential annex detailing this briefing can be made available to Members for review but will not be published at this time.

8.3 BOARD DEVELOPMENT DAY – NEXT STEPS

The Chief Executive presented a paper which asked Members to consider and agree next steps following discussions at the Board Development sessions on 28 & 29 March 2023. The Chief Executive noted there were 2 elements to be considered in the paper:

Part A – which is a general overview of issues emerging from the development session and;

Part B – which is an overview of issues emerging from the specific “budget challenges” discussion on day 2 of the development session and asked Members to agree next steps.

In the interests of time, it was agreed to defer consideration of Part A and consider at the next monthly Board meeting.

In relation to Part B of the paper, the Chief Executive explained that the purpose was to outline, based on Member’s discussions on day two of the development session, proposals for next steps on how the Board might further support the Chief Constable in securing additional resource for policing in light of current

budgetary pressures and implications for police service delivery to the community in the short, medium and longer term.

The Chief Executive advised that a number of approaches were debated, and following discussion with the Chair and Vice-Chair the options provided are intended to focus on what is achievable and suggests a phased approach, with the emphasis on outlining impacts and risks of inadequate funding and the timing of next steps and future phases guided by the PSNI's management of events over the next 7-10 days/Easter period.

During discussion Members considered the merit of meetings with various stakeholders and also potential media opportunities, and noted the difficulty of the Chief Constable's position in terms of how his role as sub-accounting officer has the potential to conflict with his legislative duties under the Police (Northern Ireland) Act 2000.

In advance of progressing next steps it was agreed that the Chief Executive would seek advice on the final point noted above and revert to the Board in due course. **(AP9)**

8.4 EQUALITY CONSULTATION

The Corporate Services Manager presented a paper providing Members with an updated suite of Equality documents following the recently completed public consultation on the Board's Equality Scheme and Equality and Disability Action Plans. Members were advised that following a 12-week public consultation period which closed on 13 March 2023, 3 responses had been received and the feedback received was broadly positive.

Members considered a composite document of all the responses and also several amendments proposed to the Board's Equality and Disability Action Plans to take cognisance of the feedback. Members noted that feedback

included suggestions for additional measures in the Disability Action Plan to promote positive attitudes of disabled people and their participation in public life, and overall comments in relation to timeframes for delivery, performance indicators and the allocation of resources against each action.

Following discussion Members agreed to **APPROVE** the final drafts of:

- I. The NIPB revised Equality Scheme,
- II. The NIPB Audit of Inequalities and
- III. The NIPB Equality and Disability Action Plans 2023-2025.

The Corporate Services Manager will arrange for the Revised Equality Scheme (including Action Plan) to be submitted to the Equality Commission NI for approval, following which it will be published on the Board's website. **(AP10)**

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. Recent news stories of concern will be addressed when PSNI attend the meeting.

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

The Chair welcomed the Chief Constable, Deputy Chief Constable, Chief Operating Officer (COO) Pamela McCreedy, Assistant Chief Constable Mark McEwan, Assistant Chief Constable Bobby Singleton, Assistant Chief Constable Chris Todd, Chief Inspector Liam McPhillips, Executive Support Team, and Robin Dempsey and colleague, Strategic Communications & Engagement to the meeting.

The Chief Constable made introductory remarks on a number of topics including the upcoming visit to Northern Ireland by the President of the United States of

America, policing of Easter parades, celebratory events to mark the 25 year anniversary of the Good Friday Agreement, the loyalist feud in the Ards and North Down area and the stark financial/budgetary situation compounded by the issue of the 2023-24 Indicative Budget Allocation yesterday evening which represented a 4.75% reduction against an adjusted 2022-23 Final Budget position.

Following the Chief Constable's preliminary comments the below matters were discussed with the PSNI SET:

PSNI Budget — The Chief Constable advised the PSNI continues to face significant financial challenges and noted the financial outlook for this year (2023-24), in light of the indicative budget allocation communication issued last night remains bleak and alarming.

The Chief Constable updated the Board on a meeting with the DoJ Permanent Secretary and advised he had presented a robust case for additional funding, this included impressing upon him the PSNI Leadership Team's concerns regarding the potential serious consequences for policing as a result of a reduced budgetary settlement. The Chief Constable noted from the outset that it is unlikely, given the demanding operational challenges already faced by the service, combined with the increased threat level and resource needed to manage that, against the backdrop of the reduced headcount of police officers and staff, and limited if any mechanisms to reduce costs, that he will be able to achieve a balanced budget at the end of the 2023-24 financial year with the cut anticipated in the indicative budget allocation.

The Chief Constable noted that the discussions during the meeting had again raised the potential conflict between the Chief Constable's responsibilities as a sub accounting officer (including the requirement to achieve a balanced budget), and his responsibilities/duties outlined in the Police (Northern Ireland) Act 2000 to protect the public and manage the threat/risk to life. The Chief

Constable noted that in the current financial climate it will not be possible to achieve one of these without adversely impacting the other and welcomed further discussion on the balancing of priorities.

The Chief Constable welcomed the support of all Board Members and their continued advocacy for an improved budgetary settlement.

In addition to the above the PSNI Leadership team addressed a range of matters from Members concerning:

- Ongoing loyalist feud in the Ards and North Down area
- Discussions with the UK Government in relation to Additional Security Funding
- Unexplained Wealth Orders

The Chair thanked the Chief Constable, Deputy Chief Constable, Chief Operating Officer Pamela McCreedy, Assistant Chief Constable Mark McEwan, Assistant Chief Constable Bobby Singleton, Assistant Chief Constable Chris Todd and Chief Inspector Liam McPhillips, Executive Support Team and Robin Dempsey and colleague, Strategic Communications & Engagement for their private briefing to the Board.

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

There were no responses to Committee questions to note within this period.

11.3 Individual Members' Written Questions and Responses

Members noted the responses received from the Chief Constable in relation to Members written questions and follow up response to verbal questions from the previous Board meeting on 2 March 2023.

12. COMMUNICATION ISSUES

None raised.

13. ANY OTHER BUSINESS

None.

14. DATE OF NEXT MEETING

The next Board Meeting is scheduled for Thursday 4 May 2023 at 9.30am in the conference room, James House.

The private meeting closed at 11am.

The Board then moved into the public session from 11am to 12.00pm 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

This was followed by the private session with the Chief Constable from 12.15pm to 1.45 pm.

Corporate Services

Date: April 2023

Chair