

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 6 OCTOBER 2022 AT 9.30AM IN WATERSIDE TOWER, CLARENDON DOCK.

PRESENT:

Mr Doug Garrett Chair
Mrs Sinead McLaughlin MLA
Mr Michael Atkinson
Ms Liz Kimmins MLA
Mr Trevor Clarke MLA
Ms Carmel McKinney
Mr Edgar Jardine
Mr Gerry Kelly MLA
Ms Deirdre Toner
Mrs Linda Dillon MLA
Ms Nuala McAllister MLA
Mr John Blair MLA
Mr Colm McKenna
Mr Frank McManus
(1) Mr Mike Nesbitt MLA

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(2) Mr Simon Byrne, Chief Constable
(3) Mr Mark Hamilton, Deputy Chief Constable
(3) Ms Pamela McCreedy, Chief Operating Officer
(3) Mr Mark McNaughten, Assistant Chief Officer,
Corporate Services
(3) Ms Clare Duffield, Assistant Chief Officer,
People and Organisational Development
(3) Director of Strategic Communications &
Engagement
(3) Mr Liam McPhillips, Chief Inspector
(3) Mr Gareth Brown, Strategic Communications &
Engagement

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

Mrs Sinead Simpson, Chief Executive
Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Resources
Ms Dymphna Thornton, Director of Partnership
Ms Aislinn McGuckin, Director of Police
Pensions and Injury Benefits

Four Board Officials

**OTHER OFFICIALS IN
ATTENDANCE:**

Mr John Wadham, Human Rights Advisor

- (1) Items 9, 11-15 only
- (2) Item 10 only, from 12.25pm on
- (3) Item 10 only

The Chair welcomed Members and advised of the revised schedule for the meeting which is being trialled for a three-month period. The Member's private session will be followed by the public session from 11am to 12pm and the private session with the Chief Constable will take place afterwards.

1. APOLOGIES

Apologies were received from Dr Tom Frawley Vice-Chair, Mr Maurice Bradley MLA, Dr Janet Gray and Ms Joanne Bunting MLA for the full meeting and Mr Mike Nesbitt MLA for the private meeting.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared and when asked if there was "Any Other Business" no further items were declared.

3. DRAFT MINUTES OF THE BOARD MEETING HELD ON:

3.1 Thursday 1 September 2022

It was **RESOLVED:-**

- That the minutes of the Board meeting held on 1 September 2022 be approved.

4. BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meeting held on 1 September 2022 were noted in addition to the following verbal updates provided by the Chief Executive.

Action Point 1 from the meeting on 1 September 2022 – The Chief Executive advised that an update will be provided at agenda item 6 in respect of the development of a partnership agreements between the Department of Justice (DOJ) and NIPB and PSNI respectively. This action will remain open.

Action Point 4 from the 1 September 2022 meeting – it was noted that a written response is awaited in respect of issues highlighted regarding mining, quarrying and explosives and this will be brought to the Resources Committee in due course. This action will remain open.

Action Point 11 from the 1 September 2022 meeting – A briefing on the PSNI PULSE Portal has been arranged for the Performance Committee in December 2022.

Action Point 12 from the 1 September 2022 meeting – it was noted that the paper on public confidence in policing will be made available to all Members. This is scheduled to be brought to the Performance Committee in October 2022.

5. CHAIRPERSON'S BUSINESS

5.1 Chair's Report

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

- The Chair's engagements carried out during the period 26 August 2022 to 29 September 2022.
- A full list of correspondence issued and received by the Chair since the Board meeting on 1 September 2022.

The Chair updated Members on his recent engagements including:

- Attendance at the State Funeral of HM Queen Elizabeth II.
- Speaking engagement at the 100 Years of Policing event.
- Attendance at the National Police Memorial Day commemoration.
- Meeting with the Chair and Chief Executive of the Scottish Police Authority to share learnings and best practice.
- Attendance at the familiarisation event for new Independent Board Member applicants.

The Chair also expressed gratitude to a Board Member for attending a recent meeting with the Irish Police Authority on behalf of the Chair.

In respect of forthcoming engagements, the Chair highlighted the following:

- Meetings with the recently appointed Victims Commissioner, the Chairs of various oversight bodies and a meeting with the Justice Minister alongside the Vice-Chair.
- Attendance at the upcoming Problem Solving Awards and RUC George Cross Foundation events.

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

- Correspondence from the Chief Constable to the Department of Justice (DOJ) Permanent Secretary in respect of pressures on the police budget for 2022-23 and the response.
- Correspondence received as part of the consultation process to introduce an additional PSNI bank holiday on the date of HM Queen Elizabeth II's State Funeral. Given the urgency of the matter the Chair advised that a response was submitted without consulting Members on the assumption there would be an understanding given the circumstances.
- Correspondence received from the National Crime Agency (NCA) in respect of the quarterly (Q1) summary report of NCA performance and activity in Northern Ireland. Members also noted the change in December 2022 for the NCA Director General to attend the Board meeting due to upcoming elections of Chair and Vice-Chair; this is now likely to be via video conference on the revised Board meeting date.
- Correspondence received from the PSNI Chief Operating Officer to provide an update on Senior Management appointments from a recent promotion process.

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:

- In respect of the financial position of the Board, an underspend is reported to the end of August 2022 due to the timing of expenditure

against budget allocation. However, financial pressures will continue due to increasing utility costs, inflationary pressures and from any pay award. Recent correspondence from DOJ has advised that no additional funding will be made available to meet the increasing utility costs and inflationary pressures, and there should be no expectation that this will change. The Chief Executive advised that a meeting will take place with the Senior Management Team to consider the financial situation and assess where efficiencies could be made and plan accordingly.

- The quarterly Governance meeting with the DOJ has taken place and the development of partnership agreements between DOJ and NIPB and PSNI respectively was discussed. Members were advised that given the change in DOJ senior personnel the Department will consider this matter over the coming months in line with their strategic direction and long term objectives. It is anticipated that this will be followed by engagement with NIPB, PSNI and other stakeholders with which DOJ need to develop partnership agreements.
- A further update was provided in respect of outstanding Freedom of Information (FOI) and Data Protection (DPA) requests.
Members also noted an update following the conclusion of an investigation carried out by the Information Commissioner's Office (ICO) into the Board's handling of an FOI request. The Chief Executive thanked all the Officials involved in this complex and time consuming process.
- In respect of the work carried out by the Police Pensions and Injury Benefits (PPIB) Directorate, an update was provided in relation to the ongoing work to roll out a benefits calculator to assist serving and retired officers after engaging with the Government Actuary's Department (GAD).
Work of the Sub and Steering Groups tasked with reviewing and amending the Injury on Duty (IOD) regulations is ongoing, with a

consultation process in the pipeline and a meeting of the Steering Group scheduled for November 2022.

Discussions have also begun with Construction and Procurement Delivery (CPD) in relation to a procurement project for a supplier to assist in the production of the joint medical guidance.

The Chief Executive also provided updates in respect of the following matters:

- Policing and Community Safety Partnerships.
- Police Property Fund.
- Problem Solving Awards.
- Publication of research report on potential over-representativeness in the youth justice system.
- Workspace provided to the Office of Police Ombudsman.

Members raised the following points with the Chief Executive:

- Clarification that attempts would be made to recoup additional costs incurred due to ongoing delays with the Board's relocation to James House
- The potential for DoJ timelines around the development of partnership agreements to be out of step with other Departments who, it is understood, are working to an end March 2023 deadline.
- Ongoing delays with the IOD review workstreams.
- Clarification that the selection of members to sit on the panel for the upcoming Police Property Fund Large Grants Scheme would be brought to Partnership Committee for decision.

7. COMMITTEE REPORTS

7.1 Performance Committee – 8 September 2022

The Board noted the Performance Committee Chair's Report and draft minutes of the meeting held on 8 September 2022. The Chair also provided a verbal update on matters considered at the meeting which included an update on Policing Plan Measures: 1.4.1 - Levels of crime rates and 2.4.1 - Crime outcomes.

The Committee also discussed the permanent introduction of Spit and Bite guards; PSNI Professional Standards Annual report; Draft Human Rights of Police Officers report; National Crime Agency report; PSNI Serious and Organised Crime unit report; Human Rights Advisors update report; and reviewed the Committee Terms of Reference.

A Member requested the draft minutes of the meeting are updated to reflect concerns raised at the meeting in relation to the robustness of the PSNI's response and also regarding the proposal to establish an external PSNI Spit and Bite Guard Oversight Working Group to scrutinise the monitoring framework, and how this will impact on the Policing Board accountability structures. **(AP1)**

7.2 Partnership Committee – 15 September 2022

The Board noted the Partnership Committee Chair's Report and draft minutes of the meeting held on 15 September 2022. The Chair also provided a verbal update on matters considered at the meeting which included an update on Policing Plan Measures: 3.1.1 – Local Policing Review, 3.1.2 – Neighbourhood Policing and 3.1.3 – impacts of partnership working.

The Committee also discussed the upcoming Problem-Solving awards; Recruitment of Independent Custody visitors; Draft Community Observers Annual Report 2021/22; Draft agenda for Joint Committee; Future stakeholder and engagement opportunities; Police Property Fund; Draft Committee Terms of Reference; and Policing and Community Safety Partnerships (PCSP) funding of Community Restorative Justice Ireland (CRJI).

Members expressed concern in respect of the update on South Armagh Policing Review in the draft minutes and the decision not to accept the recommendation to appoint a Chief Inspector. A Member noted objections to this decision and highlighted the potential for this to impact on overall confidence in the review and policing in the local area.

7.3 Resources Committee – 22 September 2022

The Board noted the Resource Committee Chair's Report and draft minutes of the meeting held on 22 September 2022. The Chair also provided a verbal update on matters considered at the meeting which included an update on the Policing Plan Measure on Representativeness; the People Principle Resourcing for the Future; Cultural Audit; PSNI Finance Report; PSNI Estate Strategy; and proposed process for dealing with grievances against a PSNI Chief Constable.

In terms of decision, the Chair advised that the Committee agreed to make recommendations to the Board on two agenda items:

- Above Delegated Limits approval – Legal Costs.
- Disposal of Castlederg PSNI Station.

The Chair of the Board put the Committee's two recommendations referenced above to the Board for approval.

In respect of the legal fees associated with a previously approved Above Delegated Authority legal settlement, Members agreed to **APPROVE** the legal costs as outlined in the papers provided.

In respect of the Resources Committee's recommendation to approve the disposal of the former Castlederg PSNI Station, several Members indicated their preference for a decision on this matter to be deferred to allow for the provision of further information to inform the Board's decision regarding the disposal. In

making this proposal they noted the correspondence from Derry City and Strabane District Council which indicated that the other bidder and the respective Council had begun a collaborative process which had not been afforded the opportunity to be completed. They also noted the social housing need that existed within the area.

In response to the matters raised by other Board Members, the Resources Committee Chair noted that the D1 process has been followed and highlighted the financial implications for PSNI of a deferral given that the Board had previously agreed the former station's disposal at its July 2022 meeting. It was requested that the guidelines for the D1 process within the public sector are made available to all Members. **(AP2)**

A Member proposed that the Board defer its decision on the disposal of the former Castleberg PSNI station until the December 2022 Board meeting to allow further information to be provided. Another Member indicated that his support for this proposal would be contingent on further information being provided regarding the correspondence between PSNI and the interested parties ahead of any further consideration of the matter. Board Officials advised they would request this information from PSNI. **(AP3)**

The Chair put this proposal to the Board and invited Members to indicate by a show of hands those in favour of the proposal. Members indicated, by a majority of 13 – 1, their support for the alternative proposal outlined above.

It was therefore **AGREED:**

- A decision on the disposal of the former Castleberg PSNI Station will be deferred and brought through Resources Committee in time for consideration at the Board's December 2022 meeting.

Members also discussed the following matters:

- Draft minutes to be updated to fully reflect the discussion on the Representativeness Report Card and in particular Members' multiple requests to have the format and data provided in the Report Card updated. **(AP4)**
- A Member agreed to provide Officials with a copy of correspondence issued to PSNI requesting baseline information in respect of the Report Card. **(AP5)**
- Recent action taken by the Prison Service to recruit additional Officers despite a challenging budget situation and how the Board can support the Chief Constable to secure additional resources.
- Concerns in respect of how a PSNI overspend at the end of this financial year will impact on next year and the need to lobby for additional support, including at the forthcoming meeting the Chair and Vice-chair were due to have with the Minister of Justice.

7.4 Discipline Committee – 28 September 2022

The Board noted the Discipline Committee Chair's Report from the meeting held on 28 September 2022. The Chair also provided a verbal update on matters considered at the meeting which included consideration of a potential misconduct case against a Senior Officer; a decision in respect of a misconduct case against a Senior Officer; and review of the Committee Terms of Reference. Members sought clarification that any learning from consideration of these cases would be shared with PSNI.

8. BOARD BUSINESS

8.1 Corporate Plan Consultation Paper

The Corporate Services Manager presented a paper to Members outlining the draft Corporate Plan 2023-25 Consultation document and asked for feedback and agreement to issue in line with the previously agreed timetable.

At the Board meeting on 1 September 2022 Members agreed that the new Corporate Plan should have a term of 2 years (2023-2025) to align with the remainder of the current Policing Plan cycle. After consulting with the Department of Justice (DoJ) in respect of the Board's proposed approach, the DoJ has confirmed it is content with the proposal to develop a 2-year plan to align with the remaining term of the Policing Plan.

During discussion Members raised several points and requested minor updates to the language in the consultation document in relation to:

- the breadth of work undertaken by the PSNI, ie that it is not always crime related.
- the perceived effectiveness and visibility of the Board publicly and how it can improve public engagement and,
- references to Policing and Community Safety Partnerships (PCSPs) and their engagement work with all communities.

Following discussion it was **AGREED** by Members:

- To **APPROVE** the draft Corporate Plan to go to public consultation from 24 October 2022 – 16 January 2023, subject to Member views being considered and incorporated into the consultation document. **(AP6)**

8.2 Independent Community Observer (ICO) Annual Report

The Director of Partnership presented a paper to seek Members approval to publish on the Board's website, the ICO Annual Report 2021/22 following recommendation by the Partnership Committee at its September 2022 meeting.

The Director of Partnership advised that these volunteers observe and report to the Board on the PSNI recruitment processes for Police Constables in line with Section 10 of the Police (Recruitment) (NI) Regulations 2001. During the most recent PSNI recruitment campaign, (which was advertised in November 2021) the Independent Custody Observers attended the PSNI Assessment Centres from January to April 2022 and they reported back to the Board on:

- The adequacy of facilities and arrangements; and
- Whether, as far as practicable, the same procedures are applied to all candidates to ensure the recruitment process is independent, transparent and fair for all.

The Director Partnership noted that comments captured from the 2021/22 Assessment Centre visits are listed in Annex B of the paper.

Following discussion Members **AGREED**:

- To **APPROVE** the recommendation of the Partnership Committee to publish the 2021/22 ICO Annual Report on the Board's website. **(AP7)**

8.3 Chief Constable Grievance Process

The Chief Executive presented a paper to seek Members views on a proposed process for dealing with grievances against a PSNI Chief Constable.

The Chief Executive advised the proposed process was initially discussed at Resources Committee on 22 September 2022 and Member feedback was

received both during and after the meeting. The Chief Executive provided an update on the feedback received as well as responses and actions taken and advised that advice is awaited from PSNI on the following points before finalising the proposed process:

- Further clarity in respect of the role of Human Resources (HR) Grade 7 and Assistant Chief Officer People & Organisational Development as outlined in the proposed process.
- Whether the initial stage of the grievance process could be time bound.

Members **NOTED** the information and advice provided and following discussion **AGREED** to:

- **APPROVE** the proposed process outlined for PSNI to follow when dealing with grievances against a PSNI Chief Constable, subject to receiving satisfactory responses to the points outlined above. **(AP8)**

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 REPORT

The Chief Constable was delayed in joining the meeting due to media commitments following the public session. The Chair welcomed the Deputy Chief Constable (DCC) Mark Hamilton, Chief Operating Officer (COO) Pamela McCreedy, Assistant Chief Officer (ACO) People and Organisational Development Clare Duffield, Assistant Chief Officer Corporate Services Mark

McNaughten, Chief Inspector Liam McPhillips and Gareth Brown, Strategic Communications & Engagement and the Director of Strategic Communications and Engagement, to the meeting.

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

PSNI Budget – Concerns were raised in respect of the budget situation, its impact on Neighbourhood Policing Teams (NPTs) and the need to protect and potentially ring fence NPT resources and establish baselines to ensure service delivery is maintained.

During discussion the DCC advised Members that resource planning remains challenging and a proportion of Officers will be unfunded next year due to the loss of EU Exit monies. Assurances were sought that discussions will take place with the Justice Minister to see what scope there was to lobby Treasury for the EU exit monies to be baselined in the context where the Brexit process has not been completed. The ACO Corporate Services advised that the case has been made for additional funding and the current situation is that no additional funding allocations will be made by HM Treasury for the NI Protocol in this financial year. The Board Chair agreed to raise these matters with the Justice Minister at a forthcoming meeting as well as writing to the Minister on the issue of baselining EU exit monies. **(AP9)**

Student Officer Recruitment – Concerns were raised in respect of the communication to advise candidates of a pause in recruitment and the relatively short time between that communication and the news being reported in the media. The COO advised that candidates receive regular communication to ensure they are fully updated on their status and news regarding a pause in recruitment was not shared with the media by PSNI.

The ACO People and Organisational Development outlined the importance of sharing information with the existing workforce to provide stability, job security

and engagement at a time when there is a focus on managing headcount and resource allocation.

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

- Update on recent incident of disturbance in Carrickfergus
- PSNI headcount and effectiveness compared to other UK forces.
- Leavers Analysis for the last 12 months.
- Breakdown of Staff and Officers on restricted duties and PSNI to provide further information.
- Differences between PSNI and other UK forces in respect of headcount deployment and Officer ratios including Police Community Support Officers (PCSOs).
- Percentage of Officers in public facing roles.
- Work on the Cultural Audit and link to representativeness.
- G4S contract – use of PSNI Officers/Staff on overtime to fill gaps and contract performance management.
- Drug seizures and associated press releases.

The Chair thanked the Chief Constable, Deputy Chief Constable Mark Hamilton, Chief Operating Officer Pamela McCreedy, Assistant Chief Officer People and Organisational Development Clare Duffield, Assistant Chief Officer Corporate Services Mark McNaughten, Chief Inspector Liam McPhillips, Executive Support Team and Gareth Brown, Strategic Communications & Engagement and the Director of Strategic Communications and 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 written questions awaiting responses in relation to questions raised by the Performance, Resources and Partnership Committees.

11.3 Individual Members' Written Questions and Responses

Members noted responses received from the Chief Constable in relation to Members written questions and follow up responses to verbal questions from the previous Board meeting on 1 September 2022.

12. SCHEDULE OF MEETING SEPTEMBER – DECEMBER 2022

Members noted the schedule of meetings for the period September 2022 – December 2022 and the revised schedule for December to facilitate a meeting for the election of new Board Chair and Vice-Chair.

13. COMMUNICATION ISSUES

None raised.

14. ANY OTHER BUSINESS

No other business was conducted.

15. DATE OF NEXT MEETING

The next Board Meeting is scheduled for Thursday 3 November at 9.30am in Waterside Tower.

The private meeting closed at 10.45am.

The Board then moved into the public session from 11am to 12pm 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 1.05pm.

Corporate Services

Date: October 2022

Chair