

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD  
HELD ON MONDAY 17 MAY 2021 AT 10.00 AM IN WATERSIDE TOWER,  
CLARENDON DOCK**

**PRESENT:**

Mr Doug Garrett Chair  
Dr Tom Frawley Vice-Chair  
Mr Michael Atkinson  
Mr Tom Buchanan MLA  
Ms Joanne Bunting MLA  
Mr Trevor Clarke MLA  
Dr Janet Gray  
Mr Edgar Jardine  
Mrs Dolores Kelly MLA  
(3) Mr Gerry Kelly MLA  
Ms Liz Kimmins MLA  
(4) Mr Colm McKenna  
(5) Mr Frank McManus  
Ms Carmel McKinney  
Mr Mike Nesbitt MLA  
Mr Mervyn Storey MLA  
Ms Deirdre Toner  
Mr John Blair MLA

**HMICFRS IN ATTENDANCE** (1) Mr Matt Parr  
(1) Ms Alison Jackson

**POLICE SERVICE OF  
NORTHERN IRELAND IN  
ATTENDANCE:** (2) Mr Simon Byrne, Chief Constable  
(2) Mr Mark Hamilton, Deputy Chief Constable  
(2) Superintendent John McCaughan, Command  
Secretariat

**NORTHERN IRELAND  
POLICING BOARD  
OFFICIALS IN  
ATTENDANCE:** Mrs Amanda Stewart, Chief Executive  
Ms Aislinn McGuckin, T/Director of Police  
Administration  
Mr Adrian McNamee, Director of Performance  
Ms Jenny Passmore, Director of Resources  
Ms Dympna Thornton, Director of Partnership  
Three Board Officials

- (1) **Agenda items 1-3 only**
- (2) **Agenda item 4 only**
- (3) **Open to part Agenda item 4 (left meeting at 12:40pm)**
- (4) **Open to part Agenda item 4 (left meeting at 1:10pm)**
- (5) **Open to part Agenda item 4 (left meeting at 1:25 pm)**

## **1. APOLOGIES**

Apologies were received from Mr Seán Lynch MLA.

The Board agreed the Agenda for the meeting.

No one declared any items they wished to raise under 'Any Other Business'.

## **2. CONFLICTS OF INTEREST**

Mr Gerry Kelly declared an interest as he had been interviewed by HMICFRS as part of their inspection, but not a conflict of interest.

The Board Chair also declared an interest as HMICFRS had met with him in regard to their inspection.

## **3. BRIEFING ON HMICFRS THEMATIC INSPECTION REPORT ON THE PSNI'S HANDLING OF THE FUNERAL OF MR BOBBY STOREY IN JUNE 2020**

The Chair welcomed HMICFRS representatives, Matt Parr and Alison Jackson, to the meeting and thanked them for expediting the completion of this report commissioned by the Minister of Justice on behalf of the Board. He then invited them to brief the Board on the findings included in their report.

Mr Parr thanked the Board for the commission and noted that this had been, for the HMICFRS team, a professionally rewarding project and that they had had very good engagement with PSNI in terms of the provision of information

to facilitate the completion of their report which was due for publication at 12 noon on this date.

Mr Parr advised that while the 77 page report includes detailed analysis of the law, he would focus in his briefing on providing a summary of the key points.

Members were advised that the report focused on answering 3 key questions which are detailed on page 66 of the report:

- I. Was the engagement and 4Es<sup>1</sup> approach for Mr Storey's funeral comparable with the approach in England and Wales?
- II. Did the PSNI act consistently with its approach to comparable events in Northern Ireland?
- III. Were any special arrangements for Mr Storey's funeral justified?

Mr Parr went on to detail the challenges HMICFRS faced in addressing the above questions in terms of identifying what, if any, comparable events took place in England and Wales, identifying comparable events in Northern Ireland and answering the third, and in their view, most central question regarding the justification of any special arrangements.

Mr Parr noted with Members that in his view the PSNI had prioritised security and public order over the enforcement of the Regulations and that ensuring no serious breaches of the Regulations came perhaps a distant third to the first 2 priorities of ensuring the funeral passed off without violent incident or disorder and that there should be no provocative paramilitary symbology evident at the funeral. Mr Parr also noted that they could have reasonably expected a similar approach for an equivalent figure in the loyalist community

Other areas of the report highlighted in Mr Parr's presentation to the Board included:

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<sup>1</sup> Engage, Explain, Encourage and Enforce

- HMICFRS's view of the degree of informality in PSNI's engagement with funeral organisers ahead of the funeral and that the '4E's' approach could have been more thoroughly covered at this stage;
- The degree of confusion around the Regulations in force at the time of the funeral which compounded an already complex problem for the PSNI in terms of policing the event;
- The need for more effective links between the PSNI and NI Executive structures in the drafting of legislation of this nature;
- HMICFRS's conclusion that there was no suggestion of bias towards one community or the other in PSNI's handling of the event;
- The report's conclusion that, while HMICFRS found grounds for criticism, in their view this did not meet the level for disciplinary action or resignation, and,
- Their assessment that the decision of the PPS not to prosecute anyone following the event was wholly justified in the circumstances.

Mr Parr also acknowledged that it would be easy to interpret that this event had been exploited for political ends, however their view was that it was reasonable for politicians involved in this event to conclude, under the circumstances, that they were acting within the Regulations.

Following the briefing the Chair invited questions from Members to the HMICFRS representatives. Areas of discussion raised by Members included:

- The views of the PSNI regarding the Regulations in place at the time of the funeral, specifically that the Gold Commander had indicated to the Board previously that he was not at all confused about the Regulations in place at the time of the funeral;
- The plan provided to the PSNI by funeral organisers and whether or not the PSNI should have reverted to organisers advising they would be in breach of the Regulations if this plan was actioned;
- Comparisons with the policing of the Sarah Everard vigil by the Metropolitan Police in London;

- Any comparisons with the PSNI's policing of the Black Lives Matter (BLM) protests;
- The PSNI's early engagement on events such as this and concerns that a precedent had been set that this early engagement could in future become a barrier to prosecutions should Regulations be breached. Mr Parr noted that in his view this would not be the case but rather, at issue was the fact that the PSNI had not sufficiently made clear in the early stages of their engagement, the consequences of breaching the Regulations;
- That those perceived to have breached the Regulations where MLAs and legislators and as such, should therefore have been well aware of the up to date position as regards the Regulations;
- The extent of engagement with HMICFRS of some of those involved in the planning of Mr Storey's funeral and the impact of this on the report's conclusions.

At this point Members asked for confirmation of when or if the Chief Constable had received a copy of the report, noting that it had not as yet been provided to Board Members. Mr Parr advised that the Chief Constable was furnished with an embargoed copy of the report at 10am this morning as they were aware that he would be coming to meet Members and address their questions later today.

Members expressed concern that the Chief Constable had been provided advance sight of the report while Board Members had not. Mr Parr advised he was content for Members to be provided with a copy of the report following which a Member moved that the meeting should be adjourned for 30 minutes to allow Members to consider the report before reconvening with HMICFRS.

This was agreed and the meeting adjourned at 11:30 am.

Following the resumption of the meeting at 12:10 pm, Members further discussed the informal nature of the engagement between PSNI and funeral organisers, the lack of record keeping/note taking in relation to these engagements and the extent to which this would have assisted, given the confusion around the Regulations in place at the time.

The Chair thanked Mr Parr and Ms Jackson for their presentation and for meeting with the Board following which they left the meeting.

#### **4 PRIVATE MEETING WITH THE CHIEF CONSTABLE**

The Chair welcomed the Chief Constable, Deputy Chief Constable and Supt McCaughan to the meeting and invited the Chief Constable to provide some initial comments in response to the HMICFRS report. The Chief Constable welcomed the report and advised Members that they would take the report away to consider in more detail however was happy to move to take Members' questions regarding the report.

Throughout the subsequent discussion Members asked the Chief Constable to respond to many of the questions noted above which had also raised with HMICFRS. In addition, this session included:

- Discussion relating to any potential cases in the system where the PPS has not/may not prosecute due to similar circumstances. The Chief Constable agreed to revert to Members on this point;
- Further detailed discussion regarding the lessons to be learned from the report including improved communication of the 4Es approach, how the anticipation of Regulation breaches may be handled in future and the use of the correct, more formal channels of communication and record keeping;
- Some Members concerns around the apparent informality of approach in terms of communication with funeral organisers and the lack of

response from PSNI to the organisers whenever the plan was received. The Chief Constable noted that they had been anxious not to be seen to 'agree' the plan however acknowledged that an opportunity had been missed to set the tone at that point;

- Some Members concerns in relation to the perceived light touch approach to policing the funeral, including the decision not to deploy a helicopter on the day and also the findings of the report in relation to the PSNI's priorities on the day and how these were balanced to prevent or record serious breaches of the Regulations;
- Some Member's concerns regarding the impact on community confidence in the PSNI given the perception that the general public are and have been, over the period of the COVID-19 pandemic, subject to different rules in relation to funerals, than a high ranking member of the republican movement.

The Chief Constable responded to the questions raised by Members and also acknowledged their concerns around the potential damage this event may have had on public confidence. The Chief Constable committed to revert to the Board with a more fulsome response to several questions once they have had time to review the report in more detail and discuss the report further with the event's Gold Commander.

The Chair thanked the PSNI and they left the meeting.

## **5. COMMUNICATIONS ISSUES**

The Board considered the content of the statement they wished to issue following the briefing from HMICFRS. Following discussion it was agreed that below statement be issued on behalf of the Board Chair.

*“This is a significant inspection which provides independent examination and explanation around the policing approach. It was necessary to provide assurance on areas of concern raised by Board Members and respond to wider policing confidence issues.*

*The Board has initially questioned the Chief Constable on the Report’s findings and the specific lessons to be learned from this review for the future. Members have asked the Chief Constable to provide a formal written response to the Inspection and the implementation of recommendations made. Further discussion will then be held with the Chief Constable so that the detail of the Inspection and analysis included can be given full consideration.*

*As with the Board’s own review of policing of Covid-19, the understanding of the Regulations and accompanying guidelines available at the time of this funeral is the subject of detailed commentary highlighting the challenges faced by policing in delivery.*

*On behalf of the Board, I would like to record thanks to HMI Parr and his inspection team for conducting this review so promptly.”*

## **6. ANY OTHER BUSINESS**

No other business was considered.

## **7. DATE OF NEXT MEETING**

Members noted the date of the next full meeting of the Board would take place of 3 June 2021.

The meeting closed at 2:00 pm



**Corporate Services**

**Date:** May 2021

**Chair**