

NORTHERN IRELAND POLICING BOARD

**MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD
HELD ON THURSDAY 2 JULY 2020 AT 9.30AM IN WATERSIDE TOWER,
CLARENDON DOCK AND VIA VIDEO CONFERENCE FACILITY**

PRESENT:

Mr Doug Garrett Chair
Dr Tom Frawley Vice-Chair*
Mr Michael Atkinson
Mr John Blair MLA
(1) Mr Trevor Clarke MLA*
Dr Janet Gray
Mr Edgar Jardine
Mrs Dolores Kelly MLA*
Mr Gerry Kelly MLA
Ms Liz Kimmins MLA*
Mr Seán Lynch MLA
Mr Colm McKenna
Ms Carmel McKinney
Mr Frank McManus*
Mr Mervyn Storey MLA
Ms Deirdre Toner*

ABSENT:

Mrs Joanne Bunting MLA

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**

Mr Simon Byrne, Chief Constable
Mr Mark Hamilton, Deputy Chief Constable
Assistant Chief Constable Alan Todd
Mr Mark McNaughten, T/ Executive Director of
HR, Finance, and Support Services

**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
Four Board Officials

*Attended meeting by video conference facility
(1) **Joined meeting at 9.57am (Item 6 to 15)**

At the outset of the meeting, the Chair noted that he had received Mr Alan Chambers' MLA resignation from the Northern Ireland Policing Board (the Board). Mr Mike Nesbitt MLA had been nominated by the Ulster Unionist Party to replace Mr Chambers subject to the approval of the Minister of Justice.

1. APOLOGIES

Apologies were received from Mr Tom Buchanan MLA.

2. CONFLICTS OF INTEREST

Mr Gerry Kelly declared a conflict in relation to PSNI's Operation Redfield ("On The Runs"), correspondence related to which was included within the Chair's Report to the Board, and the Funeral of Bobby Storey should it be discussed during the course of the meeting.

3. MINUTES OF THE MEETING HELD ON 4 JUNE 2020

It was **RESOLVED**:-

- That the minutes of the Board meeting held on 4 June 2020 be approved.

4 BOARD ACTION LOG

The Chief Executive provided Members with an update on a number of actions detailed within the Action Log. Updates as detailed within the Action Log from the Board meeting held on **4 June 2020** were noted in addition to the following verbal updates provided by the Chief Executive:

Action Point 1

Board Officials had engaged with Department of Justice's (DoJ) Officials and a meeting was scheduled to discuss draft Terms of Reference for the proposed stocktake of policing accountability arrangements. The Chief Executive would liaise with the Chair and Vice-Chair during the Summer period if required with a view to bringing an update to the Board in September 2020.

Action Point 2

Correspondence had been sent to the Chief Constable about the proposed establishment of a Commission on policing culture and a response was awaited.

Action Point 3

Correspondence from the Board Chair to the DoJ Permanent Secretary had been issued about the establishment of multi-stakeholder Injury on Duty Working Group and this action was now closed.

Action Point 5

A meeting between all Audit and Risk Assurance Committee (ARAC) Members and the Senior Management Team (SMT) had been arranged to discuss the organisation's corporate risks and the proposed meeting on the Board's Risk Appetite would also be discussed to inform the content of the session when it was scheduled.

Action Point 7

Officials had engaged with the PSNI about the content and format of the Chief Constable's Report to the Board and work would continue over the Summer period with a view to bringing a proposal about the future layout and content to a Board meeting during Autumn 2020.

Updates as detailed within the Action Log from the Board meeting held on **7 May 2020** were noted in addition to the following verbal updates provided by the Chief Executive:

Action Point 7

In response to a Member's question about the development of the PSNI's People Strategy, the Chief Executive noted that she would seek confirmation from the PSNI that the PSNI's draft People Strategy would be shared with the Resources Committee for comment and feedback before it was finalised.

(AP1)

Updates as detailed within the Action Log from the Board meeting held on **5 March 2020** were noted in addition to the following verbal updates provided by the Chief Executive:

Action Point 1

The Chief Executive noted that DoJ Officials had approached Board Officials to further discuss the development of the DoJ and Board Partnership Agreement. A meeting was scheduled between the Chair, Chief Executive and DOJ Officials to further progress the development of the Partnership Agreement and further information would be provided when available.

Updates as detailed within the Action Log from the Board meeting held on **6 February 2020** were noted in addition to the following verbal updates provided by the Chief Executive:

Action Point 4

The Chair had met with the Police Ombudsman who had provided an update on the development of a Memorandum of Understanding between the Office of the Police Ombudsman (OPONI) and the PSNI on disclosure arrangements. A draft MOU between the PSNI and OPONI on disclosure

was at an advanced stage and would be shared with the Board in due course. This Action was now closed.

Action Point 7

A report detailing the work on benchmarking had been received from Heads Together on PSNI Chief Officer Allowances which would be brought to Resources Committee in July 2020, and for consideration by the Board thereafter.

5. CHAIRPERSON'S BUSINESS

The Chair presented a report which advised Members of:

- The Chair's engagements, including meetings held by teleconference and video conference facilities during the period between 3 June 2020 and 30 June 2020.
- A list of correspondence received by the Chair during the period between 5 June 2020 and 25 June 2020.
- A list of correspondence issued by the Chair during the period between 5 June 2020 and 25 June 2020.

The Chair updated Members on his recent introductory meeting with the Police Ombudsman noting that he planned to establish a Strategic Oversight Group with the Police Ombudsman and other strategic policing partners including Her Majesty's Inspectorate of Constabulary and Fire Rescue Service, and Criminal Justice Inspectorate to take forward a collaborative and information sharing approach to strengthen PSNI's accountability; utilising findings from inspection reports to promote a collaborative and information sharing approach. The Chair noted that following the meeting correspondence had been received from the Office of the Police Ombudsman extending the Terms of Reference of the review of the application of the

Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 by the PSNI to cover the Black Lives Matter protests at Belfast City Hall during the weekend of 13/14 June 2020. The Board's Human Rights Advisor's thematic review of the PSNI's response to COVID-19, which would be discussed later in the meeting, would also consider these events as well as other aspects of the PSNI's response to the COVID-19 pandemic.

The Chair noted that correspondence had been received from the Chief Constable dated 25 June 2020 providing an update on the PSNI's planned approach to the consultation on PSNI Corporate Branding.

The Chair also updated Members on the PSNI's evacuation of a building at the Seapark Estate because of roof structural issues and that he had written to the PSNI seeking further information including details of PSNI strategy to deal with the matter, the mitigation plans put in place and remedial costs.

The Chair updated Members on his planned meeting with the Chair and Vice-Chair of the Northern Ireland Assembly Justice Committee and correspondence sent to the DoJ Permanent Secretary about the Board's role as the accountability body of the PSNI to avoid a duplication of roles.

6. CHIEF EXECUTIVE'S REPORT

Members noted a report from the Chief Executive to the Board

The Chief Executive updated Members on the Board's COVID-19 staffing recovery plan, noting that additional laptops had been secured for remote working and that where possible staff were working in the building on a rota basis.

The Chief Executive noted that following the Assistant Chief Constable recruitment competition in June 2020, the Human Rights, Equality and Diversity Advisor Dr John Mallon had provided his report which was included within the meeting papers.

Board Officials briefed Members on the implications of the Judgment in *McKee and Others v Charity Commission NI* noting that it was likely that legal advice would need to be requested, and an update would be brought to the additional Resources Committee meeting scheduled during the Summer period.

The Chief Executive referred to the report that had been received from the Board's Human Rights, Equality and Diversity advisor Dr John Mallon, following the conclusion of the Assistant Chief Constable selection and appointment process.

It was **RESOLVED**:-

- That the report of the Board's Human Rights, Equality and Diversity advisor Dr John Mallon on the Assistant Chief Constable selection and appointment process be approved for publication on the website.

7. COMMITTEE REPORTS

7.1 Performance Committee 11 June 2020

The Board noted a report from the Chair of the Performance Committee which provided an overview of the material items considered at the Committee meeting held on 11 June 2020 and the draft minutes of the meeting.

7.2 Partnership Committee 18 June 2020

The Board noted a report from the Chair of the Partnership Committee which provided an overview of the material items considered at the Committee meetings held on 18 June 2020 and the draft minutes of the meeting.

7.3 Resources Committee 18 June 2020

The Board noted a report from the Chair of the Resources Committee which provided an overview of the material items considered at the Committee meeting held on 18 June 2020 and the draft minutes of the meeting.

7.4 Audit and Risk Assurance Committee 25 June 2020

The Board noted a report from the Chair of the Audit & Risk Assurance Committee which provided an overview of the material items considered at the Committee meeting held on 25 June 2020 and the draft minutes of the meeting.

8. BOARD BUSINESS

8.1 PSNI Budget for 2020-21

The Director of Resources presented a paper which asked Members to approve the PSNI Budget 2020-21 and draft correspondence from the Chair to the Chief Constable and Minister of Justice.

Members discussed PSNI's 2020-21 Budget noting the unfunded pressures as detailed within the paper presented that had also been discussed by Resources Committee. Members further noted that the PSNI had anticipated receiving funding in the June Monitoring round, but details were not yet known; it was agreed that the Director of Resources would liaise with the

PSNI T/Executive Director of Finance, HR and Support Services to ascertain what monies PSNI received as a result of the June Monitoring Round. **(AP2)**

Members further discussed concerns about the commitment to increase police officer numbers as detailed within the New Decade New Approach which the Board was supportive of but funding had not been provided for and the DoJ had not engaged with the Board about how the uplift in officer numbers may be achieved.

It was **RESOLVED**:-

- That the PSNI's 2020-21 Budget be approved noting the unfunded pressures as detailed within the paper presented. Draft correspondence from the Chair to the Chief Constable and Minister of Justice was also approved.

8.2 Update on the Review of the PSNI Response to COVID-19

The Human Rights Advisor presented an update on the thematic review of the PSNI's response to COVID-19 noting that OPONI was also undertaking a review of how the PSNI enforced the *Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020* at large public gatherings.

Members discussed with the Human Rights Advisor various aspects on the thematic review including concerns about the PSNI's deployment of spit and bite guards during COVID-19, previous discussions and presentations received by the Performance Committee on the proposed introduction of spit and bite guards and the Performance Committee's request for comprehensive assessment and an evidence base on the use of spit and bite guards, and PSNI's approach to policing Black Lives Matter protests at various locations around Northern Ireland.

Members noted that the Chief Constable had previously indicated that spit and bite guards would be temporarily introduced for the duration of COVID-19 and it was agreed that the Chief Executive would write to the Chief Constable to seek clarity on when the use of spit and bite guards during the COVID-19 period would end. **(AP3)**

8.3 Policing Plan 2020-21 – Performance Monitoring Committee Timetable

The Director of Performance presented a paper which updated Members on the development of the Policing Plan Performance Monitoring Committee Timetable. Annex A of the paper presented detailed when updates would be provided to the Committees throughout the year on the PSNI's performance against Policing Plan measures.

It was **RESOLVED:-**

That the Policing Plan Performance Monitoring Committee timetable be approved.

8.4 ICV Annual Report 2019-20

The Director of Partnership presented the draft Independent Custody Visitor (ICV) Report 2019-20 which the Board was asked to approve for publication. The Partnership Committee had considered the Report and were recommending to the Board that it be approved.

It was **RESOLVED:-**

- That the Independent Custody Visitor Report 2019-20 be approved for publication on the website.

8.5 Appointment Panels for PSNI Chief Operating Officer and ACO People and Organisational Development

The Chief Executive presented a paper which asked Members to agree the composition of two Appointment Panels to progress the assessment and selection of the PSNI Chief Operating Officer and Director of People and Organisational Development.

It was **RESOLVED**:-

- That the Appointment Panel for the PSNI Chief Operating Officer would comprise Doug Garrett (Board Chair and Panel Chair); Tom Frawley (Board Vice-Chair); Colm McKenna, Deirdre Toner, Gerry Kelly and Joanne Bunting.
- That the Appointment Panel for the PSNI Director of People and Organisational Development would comprise Doug Garrett (Board and Panel Chair), Michael Atkinson, Janet Gray, Frank McManus and representative political Board Members whose names would be agreed at a later date.

8.6 NIPB Business Performance Report

Officials presented a paper which included the draft Business Performance Report for inclusion in the Annual Report and Accounts for the year ended 31 March 2020. Officials noted that the draft Business Performance Report included a summary of the business performance over the duration of the Corporate Plan 2017-20 and an analysis of business performance during 2019-20.

It was **RESOLVED**:-

- That the draft Business Performance Report be approved for inclusion in the Annual Report and Accounts for the year ended 31 March 2020.

9. KEY ISSUES OF PUBLIC INTEREST

The Board noted a paper which detailed recent issues of public interest.

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

The Chair welcomed the Chief Constable, the Deputy Chief Constable (DCC), Assistant Chief Constable (ACC) Todd, PSNI Gold Commander and Mark McNaughten PSNI T/ Executive Director of Finance, HR and Support Services for COVID-19 to the meeting.

The Chief Constable provided Members with an update on the PSNI's continued focus on digitisation, the upcoming deployment plans for the additional 400 officers to the Neighbourhood Policing Team from August 2020 onwards, the temporary promotion of C/Superintendent Sam Donaldson to Acting ACC and ongoing work with the National Crime Agency (NCA) in the fight against serious and organised crime.

Members discussed and asked questions about:

- PSNI's approach to policing recent Black Lives Matter protests in locations around Northern Ireland, the perceived different approach to policing events in different locations and the issues of fines. ACC Todd updated Members on the PSNI's approach and strategy to the protests noting that while PSNI had adopted the same approach the outcome had been different in various locations.

- The Chief Constable updated Members on his recent meetings with representatives from the Black Asian, and Minority Ethnic community.
- The opening of pubs and restaurants from Friday 3 July 2020 onwards and efforts being made to ease licensing restrictions so that pubs or restaurants may be able to serve customers outside their premises. The Chief Constable updated Members on ACC McEwan's engagement with hospitality representatives and the court service so that court sittings amending licensing requirements can be scheduled.
- The publication of the Criminal Justice Inspection Northern Ireland (CJINI) on Child Sexual Exploitation which made a number of recommendations for the PSNI to progress. The Chief Constable noted the PSNI had accepted CJINI's report recommendations and the recommendations were being worked through.
- Recent publicity about the PSNI's proposed corporate rebranding, reputational risk to both the PSNI and Board, and the implications from a risk management perspective. The Chief Constable updated Members on plans to bring future branding proposals to the Board for consideration in Autumn 2020.
- The PSNI's use of spit and bite guards and whether it was the PSNI's intention to use them beyond the duration of COVID-19. The Chief Constable noted that spit and bite guards were deployed at the beginning of COVID-19 for use in custody suites and within COVID-19 vehicles. The Chief Constable noted that since then their use had been extended to the Armed Response Unit and all staff were trained on how to use the spit and bite guards through a video. The Chief Constable noted that Acting ACC Donaldson was progressing evidence gathering of their use for the Board to consider further at the appropriate time but the PSNI were not trying to expand spit and bite guards use beyond that which the Board had been advised of during the COVID-19 period. Members further discussed with the Chief

Constable the timing of seeking external stakeholders view on the use of spit and bite guards.

- The Chief Constable provided an update on the PSNI's approach to talent management and an update on the promotion processes that were underway for Superintendents and Chief Superintendents.

In response to a Member's question about Operation Redfield the DCC noted that the Chief Constable had written to the Board Chair on 11 June 2020 providing an update. The DCC also noted that there was an Oversight Committee, chaired by the Northern Ireland Office Permanent Secretary.

In response to a Member's question about people attending funerals during COVID-19 the Chief Constable noted that the PSNI would consider the evidence and prepare files for consideration by the Public Prosecution Service as is normal procedure.

11 QUESTIONS FOR THE CHIEF CONSTABLE

11.1 Issues Arising from Committees

Members noted that there were no issues arising from the Committee meetings held in June 2020 for the Board's attention.

11.2 Written Questions and Responses

Members noted the written responses received from the Chief Constable in response to questions submitted by Committees. The Committee questions would be considered further by the relevant Committee at their next meetings.

12. COMMUNICATION ISSUES

Members noted the issues that the Board Chair would be commenting on during his opening statement at the public Board meeting later in the afternoon.

13. SCHEDULE OF MEETINGS

The Board noted the Schedule of Meetings up to December 2020.

14. ANY OTHER BUSINESS

No other business was conducted.

15. DATE OF NEXT MEETING

The next Board meeting would be held on Thursday 3 September 2020.

The meeting closed at 12.31pm.

The private meeting closed and the Board moved into public session at 12.40pm, 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

Corporate Services

Date: July 2020

Chair: