

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 4 JUNE 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
Mr Tom Buchanan MLA
(1) Mrs Joanne Bunting MLA*
(2) 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

Police Service of Northern Ireland In Attendance:

(3) Chief Constable Simon Byrne
(3) Deputy Chief Constable Mark Hamilton
(3) Assistant Chief Constable Alan Todd
(3) Superintendent John McCaughan, Command Secretariat

Board Officials In Attendance:

Mrs Amanda Stewart, Chief Executive
Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Resources
Ms Aislinn McGuckin, T/Director of Police Administration
Mrs Sarah Reid, T/Director of Partnership
Three Board Officials

*Attended the meeting via video conference facility

- (1) Part item 8 to end (Joined at 10.50am).
- (2) Part item 4 to end (Joined at 9.41am).
- (3) Item 9

1. APOLOGIES

Apologies were received from Mr Alan Chambers MLA.

The Board agreed the agenda for the meeting.

2. CONFLICTS OF INTEREST

No one declared a conflict of interest in relation to the agenda.

3. DRAFT MINUTES OF THE MEETINGS HELD ON 7 MAY 2020

It was **RESOLVED**:

- That the draft minutes of the Board meeting held on 7 May 2020 be approved subject to an amendment as was discussed at the meeting.

4. UPDATE ON ACTION LOG

Members noted the following updates in regard to the Action Log from the Board meeting held on 7 May 2020. NOTED.

Action Point 1

It was noted that the PSNI's People Strategy was under development by the PSNI and would be shared with the Resources Committee and Board once available.

Members noted the following updates in regard to the Action Log from the Board meeting held on 5 March 2020. NOTED.

Action Point 1

Work continued to progress the draft Tripartite Agreement between the Board, the PSNI and the Department of Justice (DoJ).

Members noted the following updates in regard to the Action Log from the Board meeting held on 6 February 2020. NOTED.

Action Point 2

The lunchtime seminar, with key partners, to develop a joined up approach to tackling drug misuse remained on hold because of the COVID-19 pandemic.

Action Point 3

A response had not been received from the Department of Justice about the future funding of Custody Suites and Street Triage Clinics but Officials were following up.

Action Point 4

The Chief Executive updated Members on a meeting that had been arranged between the Board Chair, Vice-Chair and Chief Executive and the Police Ombudsman of Northern Ireland. The meeting would provide an opportunity to discuss the Criminal Justice Inspection Northern Ireland's (CJINI) Report on the PSNI's disclosure failings in the investigation into the

Sean Graham shootings in 1992. The Chief Executive further noted that CJINI would be invited to a future Board meeting to discuss the findings from the Report.

Action Point 7

The Chief Executive noted that work was ongoing in relation to PSNI Chief Officer allowances and would be brought to the Resources Committee for consideration. The Committee would subsequently make a recommendation to the Board.

Members noted the following updates in regard to the Action Log from the Board meeting held on 6 November 2019. NOTED.

Action Point 4

Board Officials had not yet considered the PSNI's Grievance and Bullying and Harassment Procedures because of competing work priorities but it would be progressed as soon as practical.

Action Point 10

The Partnership Committee's proposed visit to Gartcosh, Lanarkshire remained on hold because of the COVID-19 pandemic.

Members noted the following updates in regard to the Action Log from the Board meeting held on 2/3 October 2019. NOTED.

Action Point 2

Consideration of the Board Effectiveness Review and Board Skills Review with the Board following reconstitution on 1 April 2020 remained on hold because of the COVID-19 pandemic.

5. CHAIRPERSON'S BUSINESS

The Chair presented a report to the Board which advised Members of:-

- The Chair's engagements, including meetings held by teleconference facility and video conference facility, during the period 7 May 2020 and 4 June 2020.
- A list of correspondence received by the Chair during the period 7 May 2020 and 4 June 2020.
- A list of correspondence issued by the Chair during the period 7 May 2020 and 4 June 2020.

The Chair updated Members on his and the Vice-Chair's recent meeting with the Northern Ireland Commissioner for Children and Young People. The Chair highlighted that the Commissioner had discussed contributing to the Board's Human Rights Advisor thematic review of the PSNI's response to COVID19.

The Chair also updated Members on his recent introductory meeting with the Minister of Justice and recent correspondence received from the Minister of Justice about her intended stocktake of the current arrangements for policing oversight and accountability. The Chair noted that Terms of Reference had not been agreed but it was agreed that Officials would engage with DoJ Officials about the Minister's intended stocktake and further information would be shared with the Board in due course. **(AP1)**

Members discussed the correspondence received from the Chief Constable dated 19 May 2020 seeking the Board's support in the establishment of a commission on police culture. It was noted that there was no detail on the role or aims of the commission. It was agreed that the Chief Executive would follow up with the Chief Constable to obtain financial detail on his proposal to establish a commission on police culture and would provide further details

to the Board once received. **(AP2)**

Members further discussed a recent media report the European Court of Human Rights ruling in Gaughran about the PSNI's retention of DNA data.

It was noted that correspondence dated 29 May 2020 from the Justice Committee Chairman about the Criminal Finances Act 2017 and correspondence dated 1 June 2020 from the Justice Committee Chairman about the Crime (Overseas Production Orders) Act 2019 would be considered by the Performance Committee on behalf of the Board and that the Committee would make a recommendation to the Board on the proposed responses to the correspondence.

6. CHIEF EXECUTIVE'S REPORT

Members noted a report from the Chief Executive to the Board. NOTED.

The Chief Executive updated Members on a number of matters including ongoing work within Police Administration Directorate to recommence Selected Medical Practitioner (SMP) appointments.

The Chief Executive also updated Members on the financial position, including a return to the DoJ on COVID-19 related costs. The Chief Executive also updated Members on staffing within the organisation, and proposed staff external recruitment competitions. Members further noted that a draft of the Police Effectiveness, Efficiency, and Legitimacy Report had been received and feedback on factual accuracy would be provided with the final report being made available in the coming weeks.

Members discussed a number of matters with the Chief Executive including ongoing work to progress the preparation of the Annual Report and Financial Statements in advance of the Audit and Risk Assurance Committee (ARAC) in June 2020 and the need for the Board to engage with the DoJ to ensure progress in relation to the Injury On Duty (IOD) Steering Group. It was agreed that the Board Chair would write to the DoJ Permanent Secretary about engagement and progress on IOD matters. **(AP3)**

Members further discussed budgetary pressures and the importance of Members advocating for policing, the introduction of the Partnership Agreement with the DoJ which was due to replace the Management Statement and Financial Memorandum but no date had been agreed on when it would be introduced with the Board. Members discussed the arrangement for senior officer temporary promotion.

A Member noted that he had engaged in correspondence with correspondence the Minister of Justice about the PSNI Strategic Outline Cases and it was agreed that the correspondence would be circulated to all Members. **(AP4)**

7. COMMITTEE REPORTS

7.1 Audit and Risk Assurance Committee 14 May 2020

The Board noted a report from the Chair of the ARAC which provided an overview of the material items considered at the Committee meeting held on 14 May 2020 and the draft minutes of the meeting. NOTED. The Chair of ARAC noted that risk appetite was a matter for the whole Board to consider and while it was previously agreed that a risk appetite session would be arranged, this had not happened because of COVID-19. It was agreed that Board Officials would schedule a session on Board risk appetite during the latter part of 2020. **(AP5)**

7.2 Performance Committee 14 May 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 14 May 2020 and the draft minutes of the meeting. NOTED. It was noted that T/ACC Tim Mairs had attended the meeting and had since announced his resignation from PSNI to take up a post as substantive ACC in Police Scotland. It was agreed that the Board Chair would write to ACC Mairs to acknowledge his valuable contribution to the PSNI and the Board and to wish him well in his new role. **(AP6)**

7.3 Partnership Committee 21 May 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 21 May 2020 and the draft minutes of the meeting. NOTED. Members asked what the cost of the proposed update to the PSNI's corporate branding would be. It was noted that there would be a public consultation later in 2020 on the proposed PSNI corporate branding and a full report on the public consultation would be provided to the Board.

A Member referred to the draft Committee minutes included with the Committee Report and requested that a change be made to the draft minutes. This was referred back to Partnership Committee to consider at its meeting in June.

7.4 Resources Committee 21 May 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 21 May 2020 and the draft minutes of the meeting. NOTED.

The Committee Chair updated Members on discussions at the Resources Committee on the Board and the PSNI's 2020/21 Budgets. The Board noted that the Resources Committee had requested further information from the PSNI about the 2020/21 Budget and the Proposed Resource Plan as presented to the Committee. This would be considered further at Resources Committee on 18 June and a recommendation regarding approval of the budget would be brought to the Board in July.

It was **RESOLVED**:

- That the Northern Ireland Policing Board's 2020/21 Budget be approved.

7.4.1 Recommendation from Resources Committee on Senior Officer Contractual Issue

A confidential note of this item is contained at APPENDIX A which is deemed OFFICIAL-SENSITIVE.

8. BOARD BUSINESS

8.1 Domestic Abuse and Family Proceedings Bill

The Director of Resources presented a paper on the new Domestic Abuse and Family Proceedings Bill and asked Board Members to consider and approve a draft response to the Chair of the Justice Committee.

It was **RESOLVED**:

- That the draft Response be approved and issued from the Board Chair to the Chair of the Justice Committee.

8.2 Human Rights Advisor Progress Report on the PSNI Response to COVID19

The Human Rights Advisor presented an interim report on the thematic review of the PSNI's response to COVID19. Members discussed the PSNI's response to COVID-19 including the context of the use of spit and bite guards in other parts of the U.K. and incidents of domestic violence during COVID-19 and the Human Rights Advisor agreed to consider these issues as part of the ongoing thematic review. Members noted that the Human Rights Advisor would provide monthly update reports to the Board while the thematic review continued.

8.3 Appointment of PCSP Independent Members

The T/Director of Partnership presented a paper which asked the Board to approve the appointment of Independent Members to the Policing Community and Safety Partnerships (PCSPs) and District PCSPs. Members noted the summary of the recruitment process detailed within the paper, and that the Partnership Committee had considered the appointment of the Independent Members and were recommending their appointment to the Board.

It was **RESOLVED**:

- That the 118 people selected for appointment as Independent Members to the Policing Community and Safety Partnerships and

District Policing Community and Safety Partnerships be appointed.

It was **RESOLVED**:

- That the Policing Community and Safety Partnerships and District Policing and Community Safety Partnerships be reconstituted on Monday 15 June 2020.

8.4 Recommendation from the appointment panel for the ACC Competition

The Chief Executive presented a paper which detailed the selection and assessment process used during the ACC competition. The Appointment Panel were unanimously recommending two candidates to the Board for endorsement, and their appointment was subject to the Minister of Justice's approval. Members noted that the selection and assessment process had been subject to an independent quality assurance process and had also been overseen by an Equality, Diversity and Human Rights Advisor both of whom were satisfied that the competition had been conducted in accordance with the principles of merit, fairness, openness and a report from the Equality, Diversity and Human Rights Advisor would be provided in due course. The Chair reminded Members to maintain confidentiality while the Minister's approval of the appointments was being obtained.

The Chief Executive noted that the Chief Constable was considering how to fill the remaining vacant ACC position on a temporary basis until another ACC competition was launched in Spring 2021. Members noted that Board Officials would seek feedback from other candidates who were eligible to apply for the ACC positions, and other stakeholders including Her Majesty's Inspectorate of Constabulary and the College of Policing about applying for vacant PSNI Chief Officer positions prior to the next recruitment competition.

It was **RESOLVED**:

- That Barbara Gray and Mark McEwan be recommended to the Justice Minister for appointment to the position of PSNI Assistant Chief Constable.

8.5 Draft Response to DOJ Consultation on “The use of live links for Police detention/interview”

The T/Director of Partnership presented a paper which asked the Board to consider and approve the draft response, on behalf of the Board, to the DoJ’s consultation on the use of live links for police detention/interviews. Members noted that the issue had been considered by the Partnership Committee where a Member had expressed concern about the proposed changes and had requested that an Equality Impact Assessment (EQIA) be carried out prior to the introduction to any changes. He also asked at the Committee meeting if the DoJ would pause the public consultation pending an EQIA.

Members discussed the potential significant impact on a number of Section 75 (Northern Ireland Act 1998) groups if the changes proposed by the consultation were put in place. It was agreed that the Board’s Response to the Consultation should include reference to undertaking an EQIA and providing the EQIA to the Board upon completion.

It was **RESOLVED**:

- That the draft Response to the Department of Justice consultation on “The use of live links for Police detention/interview” be approved, subject to the Response being updated to request that an Equality and Impact Assessment be undertaken and that the Equality and

Impact Assessment be provided to the Board upon completion.

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

The Chair welcomed the Chief Constable, the Deputy Chief Constable (DCC), and ACC Todd, PSNI Gold Commander for COVID-19 to the meeting.

The Chief Constable provided Members with an update on the policing response to COVID-19 including absence levels within the PSNI, recent large scale public gatherings at beaches around Northern Ireland and the protests held in Belfast City Centre in response to the death of George Floyd in Minneapolis, USA. In relation to community policing issues, the Chief Constable updated Members on the seizure of £12 million of cannabis and noted that T/ACC Tim Mairs had resigned from the PSNI to take up a position as ACC with Police Scotland and plans underway to fill the position by way of a temporary promotion.

Members discussed and asked questions about:

- The policing response to a number of large scale public gatherings in the context of the COVID19 guidance on public gatherings and social distancing. The Chief Constable noted the need to balance the policing response to large scale public gatherings with public trust. The Chief Constable updated Members on the PSNI's engagement with the organisers of a protest march held in Belfast City Centre in response to the death of George Floyd. The Chief Constable further noted that in relation to large scale social gatherings the PSNI had been present on public transport to try and control and reduce the number of people gathering.
- The availability of Nitrous Oxide (commonly referred to as Laughing Gas) to young people particularly in areas of West Belfast. ACC Todd noted that the PSNI had noted an increase in the availability of the drug and the potential criminal offences committed when supplying

the drug.

- Engagement with the Orange Order in advance of the 12th July Celebrations in the context of COVID19 restrictions. In response to a Member's question about engagement with the Parades Commission, ACC Todd noted that he was happy to engage with any Organisation or Body but the PSNI's role was to administer the law and not offer guidance on interpretation of the law.
- Engagement there had been with the Northern Ireland Secretary of State about the proposed 14 day quarantine period for people returning to Northern Ireland from outside the UK and Ireland. The Chief Constable noted that further guidance was awaited on the proposed 14 day travel quarantine period but that the PSNI would have to balance their capacity to police the 14 day quarantine period with other policing responsibilities.
- The PSNI's preparations in advance of the UK's exit from the European Union and engagement with the Northern Ireland Secretary of State on the issue. The Chief Constable noted there had been no recent engagement on the issue.
- The PSNI's funding position including projected 2020/21 funding pressures and additional costs as a result of COVID19. The Chief Constable noted that consideration was underway on how the PSNI could reshape itself and make savings.
- The format of the Chief Constable's Report to the Board. It was agreed that Board Officials would engage with PSNI Officials about the content and format of the Report to the Board. **(AP7)**
- The establishment of a commission on police culture. The Chief Constable stated that the establishment of a commission did not arise from one event and reflected the PSNI's duty to consider issues with officer recruitment and diversity within the organisation. The Chief Constable noted that he had discussed the commission with a number of stakeholders including the PSNI's Service Executive Board and other staff members.

10. QUESTIONS FOR THE CHIEF CONSTABLE

10.1 Issues Arising from Committees

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

10.2 Written Questions and Responses

Members noted the written responses received from the Chief Constable in response to two questions submitted by the Performance Committee. Both questions would be considered by the Committee at its next meeting.

10.3 Key Issues of Public Interest

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

11. COMMUNICATION ISSUES

It was noted that communications about the appointment of the ACC's would be announced following the Minister of Justice's approval of the appointments. It was also agreed that a communication about the £12 million seizure of cannabis would be issued.

12. SCHEDULE OF MEETINGS

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

13. ANY OTHER BUSINESS

No other business was conducted.

14. DATE OF NEXT MEETING

The next Board meeting would be held on Thursday 2 July 2020.

The meeting closed at 12.25 pm.

The private meeting closed and the Board moved into public session at 12.30pm, 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 Facebook page at www.facebook.com/policingboard

Corporate Services

Date: June 2020

Chair