

NORTHERN IRELAND POLICING BOARD

**MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD
HELD ON THURSDAY 4 NOVEMBER 2021 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 Maurice Bradley MLA
Mr Jonathan Buckley MLA
Ms Joanne Bunting MLA
Mr Trevor Clarke MLA
Dr Janet Gray
Mr Edgar Jardine
Mrs Dolores Kelly MLA
Mr Gerry Kelly MLA
Ms Liz Kimmins MLA*
Mrs Linda Dillon MLA
Mr Frank McManus
Ms Carmel McKinney
Mr Mike Nesbitt MLA
Ms Deirdre Toner
Mr Colm McKenna

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

(1) Mr Simon Byrne, Chief Constable
(1) Mr Mark Hamilton, Deputy Chief Constable
(1) Ms Pamela McCreedy, Chief Operating Officer
(1) Mr Alan Todd, Assistant Chief Constable
(1) Mr Mark McEwan, Assistant Chief Constable
(1) Ms Melanie Jones, T/Assistant Chief Constable
(1) Mr Will Young, T/Assistant Chief Officer
(1) Ms Finola Dornan, T/ Superintendent

**NORTHERN IRELAND
POLICING BOARD
OFFICIALS IN
ATTENDANCE:**

Mrs Sinead Simpson , Chief Executive
Mr Adrian McNamee, Director of Performance
Ms Dympna Thornton, Director of Partnership
Ms Jenny Passmore, Director of Resources
Ms Aislinn McGuckin, T/Director of Police
Administration
Three Board Officials

**NORTHERN IRELAND
POLICING BOARD HUMAN
RIGHTS ADVISOR:**

Mr John Wadham

*Attended meeting by video conference facility

(1) Item 10 only

1. APOLOGIES

No apologies were received.

The Chair welcomed new Board Member Mr Jonathan Buckley MLA to his first monthly Board meeting. Mr Buckley replaces Mr Tom Buchanan MLA who resigned from the Board with effect from Monday 1 November 2021. The Chair extended thanks, on behalf of the Board, to Mr Buchanan for his contribution to the Board and wished him every success for the future.

The Board agreed the Agenda for the meeting.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. DRAFT MINUTES OF THE BOARD MEETING HELD ON 7 OCTOBER 2021

It was **RESOLVED**:-

- That the minutes of the Board meeting held on 7 October 2021 be approved.

4 BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meeting held on 7 October 2021 were noted in addition to the following verbal updates provided by the Chief Executive.

Action Point 1

Arrangements are currently underway for the new Director General of NCA to attend the December Board meeting.

Action Point 3

With regard to the new Hate Crime Legislation Steering Group, the agenda, draft Terms of Reference (**ToR**) and the draft Communications and Engagement Strategy were included with the papers for this meeting alongside the Board's action log. During discussion Members noted the lack of input from organisations outside the public sector in terms of membership of the Steering Group and a Member also sought clarity on whether or not Orange Halls would fall within the scope of any protected category in view of numerous attacks on them.

Following discussion it was **AGREED**:

- That in light of numerous attacks on Orange Halls, Board officials will revert to the Department of Justice (DoJ) to establish if Orange Halls fall within the scope of any protected category group (reference Annex C of Draft Communication and Engagement Strategy (Key communication and Engagement Activities/Phases)).
- In relation to the ToR and membership for the Steering Group, Board officials will feed back Members' views to the DoJ regarding the lack of input from other stakeholders outside the Public Sector and that Members would like to understand what the role of other organisations is (other than implementation) such as the Law Society for example. **(AP1)**

Action Point 5

With regard to Police Property Fund publicity, the Director of Partnership advised Members that once the letters of offer have been issued to the successful applicants, publicity will be arranged.

Action Points 2 and 4 were closed.

Updates as detailed within the Action Log from the Board meeting held on **1 July 2021** were noted in addition to the following verbal updates provided by the Chief Executive.

Action Point 3

In relation to the Lessons Learned report on Operation Yurta, the Chief Executive noted there is correspondence in the Chair's report on this matter and will be covered under the next agenda item.

5. CHAIRPERSON'S BUSINESS

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

- The Chair's engagements, including meetings held by teleconference and video conference facilities, during the period between 7 October 2021 and 4 November 2021.
- A list of correspondence received by the Chair during the period between 1 October 2021 and 27 October 2021.
- A list of correspondence issued by the Chair during the period between 12 October 2021 and 28 October 2021.

The Chair updated Members on his recent engagements including:

- Attendance at the Senior Command Course in Ryton in mid-October
- Attendance at several panel meetings for the forthcoming Assistant Chief Officer competitions;

- As part of events to commemorate the 20 year anniversary of the PSNI, a visit along with the Chief Constable and Minister of Justice, to the PSNI and RUCGC Foundation Memorial Gardens at PSNI Headquarters, Brooklyn.

In relation to Operation Yurta the Chair advised Members that he received, by way of correspondence, an update from the Deputy Chief Constable (DCC) dated 21st October 2021 which is included with this report. He also advised that he has written back to the DCC seeking to establish an agreed timeline for the Board's receipt of the phased reports in December 2021 and February 2022 to coincide with the timing of their internal briefings on the issue.

A Member noted correspondence relating to the ongoing positive engagement with the Chair of the Justice Committee via informal meetings with the Board Chair and Vice-Chair. The Member suggested that where budget related matters are under discussion, it may also be helpful for the Chair and Vice Chair of Resources Committee to be in attendance. The Chair confirmed he is content with this proposal and would engage with the Chair of the Justice Committee with a view to including the Chair and Vice Chair of Resources Committee where appropriate at future meetings. **(AP2)**

With regard to the report from the Office of the Police Ombudsman NI (OPONI), several Members raised concerns regarding the issue of PSNI misconduct and the internal disciplinary process, including why some OPONI misconduct recommendations are not implemented. Following discussion it was agreed it would be useful to obtain a briefing from PSNI Professional Standards Department (PSD) to seek clarity on the disciplinary process. The Director of Performance will liaise with PSNI PSD to provide a briefing to the Performance Committee to which all Board Members will be invited to attend. **(AP3)**

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 two items:

- With regard to PSNI Senior Officer Recruitment, Members noted that the recruitment competitions for the Assistant Chief Officer (ACO) Corporate Services and ACO Strategic Planning and Transformation roles launched on 1st November 2021, with the process anticipated to conclude before Christmas. Members noted that the services of an Executive Search company have been engaged for both. The ACO People and Organisational Development competition will launch in the New Year. Plans are also being made to launch the Assistant Chief Constable Recruitment competition to coincide with the conclusion of the Senior Command Course in December 2021. Members noted that the intention is to conclude that competition by the end of January/early February 2022. The Director of Resources will liaise with Members to agree the interview panels for this competition in due course.
- The Board has received correspondence from DoJ requesting that NIPB commence preparations to ensure the Board can meet its obligations in respect of the forthcoming public inquiry into the Government's response to the COVID-19 global pandemic. The public inquiry is anticipated to commence in Spring 2022. The Chief Executive advised that SMT have had an initial discussion around this at their October meeting and will keep this as a standing agenda item to ensure the necessary preparatory work is undertaken as the scope of the inquiry becomes clearer, to ensure the Board meets its obligations.

In relation to correspondence received by the Chief Executive, two items of correspondence were highlighted to Members:

- Correspondence received from DoJ in response to the Board's previous queries regarding Belfast Harbour Police and their ability to operate in certain circumstances outside of their jurisdiction. A variety of views were expressed and following discussion it was agreed the Chair and Chief

Executive would reflect these views to DoJ representatives at an upcoming meeting. (AP4)

- Correspondence received from DoJ regarding the appointment process for three NIPB Independent Board Members in view of the fact that the term of three current Independent Board Members expires at the end of July 2022. The Chief Executive drew Members' attention to the timeline for the appointment process.

A Member noted recent media comments made by a fellow Board Member, in their capacity as a political representative, regarding institutionalised sectarianism within the RUC and expressed concern at the possible impact of such comments on former RUC officers and also those who continue to serve within the PSNI.

7. COMMITTEE REPORTS

7.1 Performance Committee 14 October 2021

The Board noted the Performance Committee Chair's Report and draft minutes of the meeting held on 14 October 2021. The Chair also provided a verbal update on matters considered at the meeting including Policing Plan Measure 1.2.1 Repeat Offenders, the draft Human Rights Annual Report 2020/21, the Human Rights Advisor Three Year Programme, Annual Report of the Independent Reviewer of Terrorism and the Engagement with the Police Ombudsman for Northern Ireland.

7.2 Partnership Committee 21 October 2021

The Board noted the Partnership Committee Chair's Report and draft minutes of the meeting held on 21 October 2021. The Chair also provided a verbal update on matters considered at the meeting which included a Policing Plan Report on Measure 3.1.2 Neighbourhood Policing Team initiatives to address local problems and Measure 3.1.3 Evaluation of the Impact of partnership working with local communities, PSNI presentation of the Strategic Community

Engagement Team, the proposed amendments to the wording of the PCSP Strategic Priorities, and an update on the Board's 20th Anniversary event.

7.3 Resources Committee 28 October 2021

The Board noted the Resource Committee Chair's Report and draft minutes of the meeting held on 28 October 2021. The Chair also provided a verbal update on matters considered at the meeting which included a report on the review of the PSNI HR function, the draft Estate Protocol between the Board and PSNI, the recommendation to the Board to approve the disposal of Portadown PSNI Station and the PSNI Estate Strategy including information on potential sites for a new police college.

A Member raised a question regarding the availability of any historical information in relation to Portadown PSNI Station (specifically as regards his local awareness that this station may be the last Royal Irish Constabulary (**RIC**) station in Ireland). Following discussion it was agreed to seek further information from the PSNI in the private session regarding this matter before approving the station's disposal.

In response to a Member's query regarding Desertcreat, the site previously purchased by the Board and earmarked for the development of a new police college to be co-located with other emergency service training facilities, the Chair asked the Director of Resources to liaise with PSNI to provide a background paper providing a synopsis of the circumstances surrounding Desertcreat and the eventual decision not to locate the new police college at that site. **(AP5)**

Members also wished to receive further information on the timeliness of the provision of information from PSNI, ensuring all information relevant to a decision is received and in adequate time, rather than being presented to Board Members as a *fait accompli*. An example cited by Members and previously discussed at Resources Committee, relates to the criteria set by PSNI in determining possible sites for the new police college. Several Members expressed concern that there were no potential sites listed in the west of the

province. Board officials agreed that correspondence in this regard would be issued to the PSNI expressing Members' concerns. **(AP6)**

8. BOARD BUSINESS

8.1 Human Rights Annual Report 2020/21

The Director of Performance presented a paper seeking Members' approval of the Human Rights Annual Report 2020/21 for publication and agreement on the arrangements for its proposed launch on 10 December 2021.

The Director of Performance noted the Human Rights Advisor has made 20 recommendations where it has been identified that PSNI action is necessary. Board Members were advised that following ongoing discussion through the Performance Committee since June 2021, it has not been possible to reach unanimous agreement on all 20 recommendations. Members noted that Performance Committee reached agreement on 12 recommendations, however no consensus was reached on the remaining 8 recommendations.

The Director of Performance provided a detailed verbal update on the 8 recommendations not agreed and the associated reasons resulting in the Committee being unable to reach unanimous agreement.

With regard to Recommendation 7, relating to the Investigation of Legacy Cases, a Sinn Féin Member requested that, on behalf of all Sinn Féin Board Members, it be recorded that this recommendation is not agreed by them as it is their stated position that PSNI Legacy Investigation Branch (**LIB**) are not Article 2 ECHR compliant and therefore should not be conducting legacy investigations.

Following discussion regarding the possible inclusion of additional wording in respect of the lack of consensus on all recommendations, it was agreed that the reports' Executive Summary be updated prior to publication, noting that not all

of the recommendations in the Human Rights Annual Report 2020/2021 were unanimously agreed by Members. **(AP7)**

In addition, a Member noted that it may be useful in terms of future Human Rights Annual Reports for the executive summary to be more reflective of the key points included in the report. The Board's Human Rights Advisor advised that this would be the likely consequence of the implementation of the new monitoring framework.

Following discussion it was **AGREED**:

- To approve the Human Rights Annual Report 2020/21 for publication, noting that not all of the recommendations in the Report were unanimously agreed by Members; and
- To approve the arrangements for the launch proposal on 10th December 2021

8.2 Northern Ireland Audit Office (NIAO) Report on Continuous Improvement Arrangements in Policing

The Director of Performance presented a paper providing Members with a copy of the final NIAO Report on Continuous Improvement Arrangements in Policing March 2020. The Director of Performance explained this report had been delayed due to COVID-19. Members were asked to note the report and to approve the Board's draft statement at Annex C supporting the Report's three recommendations allowing the Board to proceed to consultation on the statement with the Chief Constable.

Members noted the positive work undertaken in this area and after discussion it was **AGREED** to :

- Approve the draft statement at Annex C and, in line with legislation, proceed to consultation with the Chief Constable on the Board's statement. **(AP8)**

8.3 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Proposed 2022/23 PEEL Inspection Programme

The Director of Performance presented a paper requesting that Members consider the draft Terms of Reference (ToR) for the HMICFRS 2022/23 PEEL Inspection and provide feedback to HMICFRS on the areas selected for inspection.

The Director of Performance briefed the Board on the proposals put forward by HMICFRS and noted that the 2021/22 Inspection was not carried out under the previously agreed ToR owing to the Minister of Justice requesting instead that they undertake a thematic inspection into the PSNI's handling of the funeral of Mr Bobby Storey. As such HMICFRS have proposed two possible options for consideration in terms of proceeding with the 2022/23 inspection:

- Option 1, to adopt the terms of reference for the previously agreed inspection for 2021/22, or,
- Option 2, to adapt the 2021/22 terms of reference to take account of other inspection activity commissioned by the NIPB (for example work relating to stop and search and use of force) and also inspection activity in England and Wales (specifically around issues relating to the murder of Sarah Everard and work to assure the public that action is being taken to prevent unsuitable individuals from joining the police).

Following discussion Members were broadly supportive of Option 2 as the preferred option. However, Members requested that further information be sought from HMICFRS in order that they can assure themselves any inspection will sufficiently address the key areas of concern for the Board.

Following discussion it was **AGREED** that:

- Board officials will provide Members' feedback to HMICFRS and bring back revised ToR and further information on what the HMICFRS inspection may include. **(AP9)**

9. KEY ISSUES OF PUBLIC INTEREST

The Board noted a paper which detailed recent issues of public interest relevant to the Board's areas of work.

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

The Chair welcomed the Chief Constable, DCC Mark Hamilton, Chief Operating Officer, Pamela McCreedy, Assistant Chief Constable Alan Todd, Assistant Chief Constable Mark McEwan, T/Assistant Chief Constable Melanie Jones and T/Assistant Chief Officer Will Young to the meeting.

The Chief Constable made introductory remarks on a number of topics including the 20 Year Anniversary of the formation of the PSNI, Neighbourhood Policing, the recent launch of the Police Officer recruitment campaign, Violence and Intimidation against Women and Girls, Modern Slavery and Human Trafficking and a brief update on the postponement of the inquest into the death of Noah Donohoe.

During the meeting Members raised questions and discussed a number of issues with the Chief Constable including:

- PSNI misconduct and in particular, disclosures in the media yesterday regarding allegations of sexual misconduct in the workplace. The Chief Constable advised Members he is aware of the case in question and that the grievance process is currently ongoing. He advised that he hopes to present his findings as a result of that process to the complainant personally in the next few weeks. Numerous Members expressed serious concern at these disclosures and the Chief Constable assured the Board that any actions identified as being necessary as a result of ongoing processes, including the review of historical cases of this nature, will be implemented as a matter of priority. The Chief Constable stated that

sexual misconduct will not be tolerated and it is essential that anyone reporting incidents of this nature is supported by robust systems and processes that are reassuring and will enable them to have the confidence to speak up.

- In response to a Member's question around the Violence and Intimidation Against Women and Girls Strategy due to be published by the end of the year, and specifically whether there will be a focus on delivering solutions to address the increase in spiking incidents, the Chief Constable noted he is determined to do his utmost to protect women in their homes, in public spaces and in the workplace and agreed to provide further detail in writing in relation to spiking incidents.
- PSNI internal disciplinary policies and procedures – the DCC advised that following the Sarah Everard murder in London, all Police Services in the UK, led by the National Police Chiefs Council (NPCC) are carrying out a review of their processes and procedures to ensure they are sufficiently robust. Within the PSNI this review will be jointly led by the DCC and the COO. The DCC advised that PSNI are determined to end this unacceptable behaviour and take the necessary steps to build up trust and confidence with women and girls. The DCC noted that as part of this review, six areas within the Professional Standards Department (PSD) will be reviewed including Performance and Professional Standards, Misconduct & Regulations and Vetting. The COO added as part of the Cultural Audit, the PSNI are currently reviewing the Dignity at Work policies within the whole organisation and how they can encourage and support staff to speak up. The preliminary Terms of Reference are due in mid-November and the PSNI hope to be in a position to roll this out and start the engagement process with staff in the New Year. Members expressed their desire to receive regular updates on ongoing disciplinary cases and the Chief Constable noted these updates will be brought to the relevant Committees as appropriate.

- Recruitment – the Chief Constable advised the new Police Officer Recruitment campaign commenced on 2 November 2021. The Chief Constable advised he looks forward to assessing the impact of the campaign’s approach, the targeted community outreach and local officer engagement on the overall applicants and representative returns. The Chief Constable also noted that in respect of Police Staff, the recent Administrative Support Officer recruitment competition generated over 1900 applications, which is a positive indicator that there is a strong interest in a career in policing.

In addition to the above the Chief Constable addressed a range of questions from Members concerning:

- Satisfaction rates within Neighbourhood Policing teams;
- The roll out of the best evidence cadre pilot and the uptake of bespoke E-learning modules to support officers responding to domestic violence incidents;
- Historical information relating to Portadown Police Station;
- Concern in a Board Member’s constituency around the recent discovery of a viable device and ongoing organised crime activity, and,
- On the PSNI Policy for charging for policing services, Members were advised that a strategic review was being undertaken following legal advice received on a charging issue.

The Chair thanked the Chief Constable, DCC, COO, ACC Todd, ACC McEwan, T/ACC Jones and T/ACO Will Young 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

Written responses to questions submitted by Committees in October have yet to be received from PSNI. These responses will be circulated in due course and included with the December Board papers.

11.3 Individual Members' Written Questions and Responses

Members noted responses received from the Chief Constable in relation to Members' recent questions. The Chair advised Members that in respect of written questions to the Chief Constable, Members are asked to be mindful of the need to focus on questions of a strategic nature. Should Members have questions which are more constituency focused, Board officials remain available to offer advice and guidance on the best avenue to which these may be directed in PSNI for a response.

12. COMMUNICATION ISSUES

None raised.

13. ANY OTHER BUSINESS

No other business was conducted.

14. DATE OF NEXT MEETING

The next Board Meeting was scheduled for Thursday 2 December 2021 at 9.30am.

The meeting closed at approximately 12.15pm.

The private meeting closed and the Board moved into public session at 12.45pm 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: November 2021

Chair