

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD
HELD ON THURSDAY 6 FEBRUARY 2020 AT 9.30AM IN WATERSIDE TOWER,
CLARENDON DOCK.**

PRESENT:

Mrs Anne Connolly (Chair)
Ms Deborah Watters (Vice-Chair)

(1) Mr John Blair
(2) Mr Alan Chambers
Prof Brice Dickson
Mr Doug Garrett
(3) Mrs Dolores Kelly
Mr Gerry Kelly
Ms Liz Kimmins
Mr Sean Lynch
Mr Colm McKenna
(4) Dr Paul Nolan
Mr Mervyn Storey
Mrs Wendy Osborne

ABSENT: Mrs Joanne Bunting

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

(5) Mr Simon Byrne, Chief Constable
(5) Mr Mark Hamilton, Deputy Chief Constable Designate
(5) Superintendent John McCaughan, Command Secretariat
(5) One PSNI Staff Member

**OFFICIALS
IN ATTENDANCE:**

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

- (1)** Item 6 to item 15 (Arrived at 2pm. Left at 2.55pm and returned at 3pm).
(2) Item 3 to 15 (arrived at 9.45am)
(3) Item 1 to part item 9.4. Part item 9.5 to 15 (left at 3pm and returned at 3.10pm)
(4) Items 1 to 15 (left at 9.55am and returned at 10am)
(5) Present item 6 only

1. APOLOGIES

Apologies were received from Mr Tom Frawley, Mr Gary Middleton and Mr Keith Buchanan. It was also noted that Mr John Blair would be late to the meeting due to Northern Ireland Assembly commitments.

The Chair welcomed Miss Liz Kimmins and Mr Sean Lynch to their first substantive Board meeting noting that they had attended the special Board meeting on 30 January 2020.

The Board agreed the agenda for the meeting.

2. CONFLICTS OF INTEREST

Mr Mervyn Storey declared his membership of Finvoy Apprentice Boys noting the correspondence included within the Chair's Report from the Chief Constable dated 24 December 2019 regarding to Police Scotland's review of the Apprentice Boys parade on 10 August 2019. NOTED.

3. DRAFT MINUTES OF MEETINGS HELD ON 4 AND 19 DECEMBER 2019

It was:-

RESOLVED:

- That the draft minutes of the Board meeting held on 4 and 19 December 2019 be approved.

4. UPDATE ON ACTION LOG

Members noted the following updates in regard to the action log from the Board meeting held on 4 December 2019.

Action Point 1

Members noted the Terms of Reference for the PSNI's Representativeness Independent Advisory Group (RIAG) that were included within the meeting papers. It was agreed that the action could be closed on the action log.

Action Point 2

The Chief Executive noted that a meeting had been arranged with Department of Finance (DoF) officials, which would also be attended by a Board Member, to discuss the proposed accommodation move to James House within the Gasworks site. The Chief Executive would keep the Resources Committee updated in regards to discussions with DoF officials.

It was noted that Action Point 3 from the meeting held on 4 December 2019 had been closed.

Members noted the following updates in regard to the action log from the Board meeting held on 6/7 November 2019.

Action Point 1

The Department of Justice (DoJ) Permanent Secretary had agreed to attend the Board meeting on 6 March 2020 to discuss the Board's accountability arrangements and a Chair's Advisory Group meeting had been scheduled for 20 February 2020. It was agreed that this action could be closed on the action log.

Action Point 4

Board Officials are to consider the PSNI's Grievance and Bullying Procedure before agreeing what information could be referred to a Committee for further consideration.

Action Point 7

One Board Member had withdrawn themselves from consideration for appointment to the RUC George Cross Foundation and so the Board Chair was to arrange a meeting with the other Board Member who had declared their interest in being appointed as a Board representative to the Foundation. It was agreed that the action could be closed on the action log.

Action Point 10

A visit by the Partnership Committee to Gartcosh, Lanarkshire was being arranged between May and September 2020.

It was noted that Action Point 6 from the meeting held on 6/7 November 2020 was closed.

Members noted the following updates in regards to the action log from the Board meeting held on 2 and 3 October 2019. NOTED.

Action Point 2

The Board Away day where the Board Skills Audit and Board Effectiveness Review were to be discussed had been postponed to Spring 2020.

Members noted the following updates in regards to the action log from the Board meeting held on 4 and 5 September 2019. NOTED.

Action Points 2 and 3

Members noted that the development of a governance and accountability model including protocol for future Direct Award Contracts would be progressed following the Board meeting on 6 March 2020 and discussions with the DoJ Permanent Secretary.

Action Point 6

The Chief Executive's correspondence to the PSNI dated 10 October 2019 had

not been responded to and was being followed up by Board Officials.

Members noted the following updates in regards to the action log from the Board meeting held on 6 and 7 June 2019. NOTED.

Action Point 7

Arrangements for future Board meetings would be considered later in the meeting.

5. CHAIR'S BUSINESS

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

- The Chair's engagements during the period 20 December 2019 to 29 January 2020.
- A list of correspondence received by the Chair during the period 20 December 2019 to 29 January 2020.
- A list of correspondence issued by the Chair during the period 20 December 2019 to 29 January 2020.

The PSNI's correspondence dated 24 December 2019 regarding Police Scotland's Report on the Apprentice Boys parade on 10 August 2019 would be considered by the Performance Committee at its next meeting and John Wadham, the Board's Human Rights Advisor would be in attendance at the meeting. It was agreed that the Performance Committee would consider the correspondence and provide an update to the Board. **(AP1)**.

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

The Chair welcomed the Chief Constable and Deputy Chief Constable (DCC) Designate to the meeting. Members congratulated the DCC on his recent promotion.

The Chief Constable provided Members with an update in regards to an incendiary device that had been found in Lurgan on 5 February 2020. The Chief Constable further updated Members on a chemical spillage in Castlereagh and the evacuation of the PSNI's Castlereagh station in accordance with the PSNI's Business Continuity Plan.

The Chief Constable provided an overview of the matters included within his Report to the Board including:

- Operation Seasons Greetings analysis indicated that business crime had decreased by 21% during the period. Analysis of domestic abuse statics indicated that the number of injuries reported had decreased but the reports on incidents had increased.
- Ongoing drug misuse within Northern Ireland including street drug dealing and misuse of prescription drugs and the Board's advocacy role in discussing this societal problem. The Chief Constable noted the number of detainees who had drug problems and the positive impact that education, early treatment can have on community safety issues. This was a community wide issue which would not be solved by the PSNI alone.

Members discussed the Report to the Board with the Chief Constable including the following issues:

- The prevalence of drug use within Northern Ireland, including the

increase in street dealing and drug related offences that people may be arrested for.

- The National Crime Agency's (NCA) review of the PSNI which had commenced in September 2019 and considered issues including evidence collection and intelligence gathering. The Chief Constable agreed to share the Report with the Board once it was available.
- Ongoing work by the PSNI's Communications Team to ensure effective communication with the public about the PSNI's work in tackling crime.
- Legislative options available to investigate persons of interest.
- Whether funding had been secured for 2020/2021 to continue to the Custody Health Suite Programme and Street Triage Clinics. The DCC updated Members and noted that funding for both Programmes had not been secured but the PSNI were very keen for both Programmes to continue. The DCC updated Members on the benefits of both Programmes noting that treating detainees within the Custody Suite diverted people from A&E and allowed PSNI officers to spend their time on criminal justice matters. The DCC noted that while funding beyond 31 March 2020 had not yet been agreed the issue was due to be escalated to the Justice Minister.

The DCC (Designate) noted the increasing demand on the PSNI's services to tackle mental health issues, which may be better tackled in partnership with other stakeholders including the health service.

Members discussed the Board's role in advocating on behalf of the PSNI to other stakeholders to try and secure funding for the Programmes beyond 31 March 2020. It was agreed that a lunchtime seminar would be organised with stakeholders to discuss the issue further **(AP2)**. It was further agreed that the Board Chair should write to both the Department of Health (DoH) and DoJ on the issue of funding for both Programmes beyond 31 March 2020. **(AP3)**

Members further discussed the following issues with the Chief Constable:

- The Chief Constable's transformation agenda for the PSNI.
- The Chief Constable's preferred leadership structure which was due to be discussed by the Board in further detail later in the meeting.
- Members discussed with the Chief Constable the importance of ensuring that the PSNI leadership team worked together and did not create bureaucracy. The Chief Constable noted that the purpose of the Senior Executive Team (SET) review was to consider the skills that were needed to rebalance the skillset and address cultural issues particularly with civilian staff.
- The 14% increase in breath tests as part of Operation Seasons Greetings and the 30% increase in arrests for drink driving offences. The PSNI would provide further analysis to a future Partnership Committee meeting.
- The immediate challenges facing the PSNI following the UK's exit from the European Union on 31 January 2020.

Members discussed the disclosure issues that had arisen as a result of the Police Ombudsman's investigation into the Sean Graham shooting and the PSNI's response, Operation Turnel. Members requested that the Chief Constable provide an update on Operation Turnel and a copy of and the report from Criminal Justice Inspectorate for Northern Ireland **(AP4)**.

The private meeting closed at 12.30 pm and moved into public session. A verbatim recording of the Board meeting in public is available on the Board's Facebook page at www.facebook.com/policingboard.

The meeting re-convened at 2.00 pm.

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 within her report including:

- Business Plan measures; it was noted that five measures would not be met by 31 March 2020. 2020/2021 Business Plan measures would be outcome based.
- Policing and Community Safety Partnership (PCSP) underspend of £115,000.
- Human Resources issues within NIPB and the number of vacant roles as a result of the Northern Ireland Civil Service (NICS) recruitment competition and the reconstitution of the Northern Ireland Assembly; staff that had been deployed from the Assembly and seconded to the Board had been recalled to their substantive roles.
- NIPB Staff Survey results would be reported to the Board once available.
- A number of Board priorities including the appointment of PCSP Member's and reconstitution of PCSPs, the ongoing work to finalise the Policing Plan and the Board's Corporate Plan, the Board's reconstitution, consideration of the Board's Effectiveness Review and its recommendations and a number of PSNI senior appointments that had to be progressed.

7 COMMITTEE REPORTS

7.1 Audit and Risk Assurance Committee – 17 December 2019

The Board noted a report from the Chair of the Audit and Risk Assurance Committee which provided an overview of the material items considered at the Committee meeting held on 17 December 2019 and the draft minutes of the meeting. NOTED.

The Chair noted that he had been invited to attend a meeting of the PSNI's

ARAC in early 2020 and would update the Committee following attendance.

7.2 Performance Committee – 17 December 2019

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 17 December 2019 and the draft minutes of the meeting.

NOTED.

The Chair noted that the Performance Committee were recommending that the Board approve a review of the PSNI's Code of Ethics. Following discussion, the Board:

APPROVED

- A review of the PSNI's Code of Ethics.

7.3 Partnership Committee – 19 December 2019 and 23 January 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 19 December 2019 and 23 January 2020 and the draft minutes of both meetings. NOTED.

7.4 Resources Committee – 19 December 2019 and 23 January 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 meetings held on 19 December 2019 and 23 January 2020 and the draft minutes of the meeting held on 19 December 2019.

8. BOARD BUSINESS

8.1 PCSP Independent Member Recruitment

Officials presented a paper which updated Members on the recruitment and appointment of PCSP independent members noting that suitable candidates had been identified to fill 118 vacancies. Officials noted that the appointments had to be made both in compliance with the law but also in compliance with the DoJ's Public Appointments Code of Practice.

Members noted that the Partnership Committee had recently considered the Board's Policy on the Appointment of Independent Members to PCSPs and District PCSPs (the Policy) and the impact of a recent Commissioner for Public Appointments Northern Ireland (CAPNI) audit of the public appointments competition for independent members of the Probation Board Northern Ireland. Officials also noted that legal advice had been obtained on the Policy and the Partnership Committee's recommendation was to proceed to stage 3 of the recruitment and appointment process and convene Appointment Panels.

Members discussed the following issues:

- The legal advice, and its implications, received from the Crown Solicitors office which discussed the protected characteristics in the selection process.
- The legal, reputational and financial risk to the Board given the options available to fill the PCSP and District PCSP vacancies.
- The scale of risk to the Board in proceeding with process but the Board's duty to ensure that PCSPs and District PCSPs were representative of the community.
- An amendment needed to the Policy to reflect the current practice in relation to Enhanced Access NI checks needed for candidates once a candidate had received an offer of appointment; and

- Training that was required for all Board Members in order to convene Appointment Panels.

Following discussion and giving due regard to the legal advice, It was

RESOLVED

- That the Board would proceed with the current Policy on the Appointment of Independent Members to PCSPS and District PCSPs following the Department of Justice's Code of Practice using the criteria set out in section 6 of the Policy to achieve a representative PCSP.
- Approve the small amendment needed to the current Policy on the Appointment of Independent Members to PCSPS and District PCSPs in regards to Access NI Checks; and
- Seek advice from the Equality Commission on option that the Board was proceeding with to follow the DoJ's Code of Practice **(AP5)**.

8.2 Service Executive Team Recommendation

Official's presented a paper which updated Members on the proposed organisational change to the PSNI Service Executive Team (SET) which had been discussed by the Resources Committee at recent Committee meetings in December 2019 and January 2020. The Chief Constable had also attended the January Resources Committee meeting to discuss his preferred option on the future structure of the SET. Members noted that the Resources Committee were recommending to the Board the preferred structure with some caveats.

Members noted the Report from HeadsTogether who had conducted a review of the SET and benchmarked it against other UK police services. Members discussed the following:

- The preferred option would require an investment of £500,000 a year

and the Chief Constable had agreed to revert to the Resources Committee in writing with further information about the costs. Members further noted that while the preferred option would initially cost an extra £500,000 per year, this would be offset against the Assistant Chief Constable Legacy post continuing for a short period and the Director of Transformation post also being time limited.

- The Chief Constable had agreed to develop an infographic rather than a traditional structure chart to display the preferred leadership structure.
- The disparity in the running costs of the PSNI versus other UK police services which had a smaller operating costs.

Following discussion, it was

RESOLVED

- That the Board approved the Service Executive Team structure as within structure 1 of the HeadsTogether report with the caveats of the Director of Transformation role be limited to three years with the option of two one year contract extensions and the Assistant Chief Constable Legacy role would be phased out.

8.3 Deputy Chief Constable Contract

Official's presented a paper to the Board which included the proposed employment contract for the DCC which the Board was asked to agree.

Members discussed:

- The annual leave entitlement of the DCC and asked Officials to clarify the leave entitlement. **(AP6)**
- The non-negotiable remuneration as detailed within the contract and whether a review of negotiable remuneration for PSNI Chief Officers and senior civilian equivalents should be undertaken.

- The importance of considering future talent attraction to the PSNI when reviewing negotiable remuneration.
- The negotiable allowances as detailed within the contract.
- The timing of the contract review by the Board.

Following discussion, it was:

RESOLVED

- That the contract as presented be offered to the DCC but noting that a review of the negotiable remuneration was being undertaken.
- An external review of the PSNI Chief Officers' and senior civilian equivalents negotiable remuneration, to include a benchmarking exercise of the negotiable remuneration offered by other UK police services, be undertaken and presented to the Resources Committee for consideration with a recommendation to be made to the Board about the negotiable remuneration thereafter **(AP7)**.

The Chair noted a potential conflict of interest for the next agenda item for the Board Member who withdrew from the Appointment Panel and subsequent media coverage.

8.5 Report to the Minister on the Appointment Process of the Deputy Chief Constable

Officials presented to the Board the draft Report to the Justice Minister on the DCC Appointment Process and the report of the Equality, Diversity and Human Rights Advisor who had concluded that the competition had been in accordance with principles of openness, fairness and transparency. The Justice Minister had been satisfied that the recruitment process had been run in accordance with these principles.

In response to a question from a Board Member about a Recruitment Panel Meeting, the Board Chair noted the Board Member's potential conflict of interest.

Following discussion, it was:

APPROVED

- That the draft Report on the Deputy Chief Constable Appointment Process and the report of the Equality, Diversity and Human Rights Advisor be approved for submission to the Justice Minister.

8.6 NIPB Corporate Plan 2020 to 2023

Officials presented a paper which updated Members on the development of the NIPB Corporate Plan 2020 to 2023 and the Business Plan 2020-2021 and the conclusion of the consultation process.

Members noted:

- The timeline for finalising the Corporate Plan so that it could be submitted to the Justice Minister and approved prior to the publication deadline of 31 March 2020.
- Minor amendments to be made to the proposed Mission Statement and Objectives.
- The final version of the Plan would be brought to the next Board meeting on 6 March 2020 for the Board to approve prior to submission to the Justice Minister.

10. QUESTIONS FOR THE CHIEF CONSTABLE

10.1 Written Questions and Responses

Members noted the written responses received from the Chief Constable following the submission of three questions from the Resources Committee. It was noted that these responses would be considered by the Resources Committee further at its next Committee meeting on 20 February 2020.

NOTED.

10.2 Key Issues of Public Interest

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

NOTED.

11. COMMUNICATION ISSUES

It was agreed that the Board would release a public statement condemning the security incident in Lurgan when an incendiary device was found in Silverwood Industrial Estate.

12. ANY OTHER BUSINESS

Members noted that following the resignation of political members from the Board, the membership of the working group that had been established to review the current Injury Benefit Award Scheme would have to be changed and it was agreed that that new members from the political parties would be put forward to enable the working group to commence its review.

13. SCHEDULE OF EVENTS

Members noted the Forward Schedule of Events. **NOTED.**

14. SCHEDULE OF MEETINGS

Members noted the Forward Schedule of Meetings to March 2020 and asked that Officials provide further 2020 meeting dates. Members also discussed future meeting dates and agreed that the preferred option was for Board meetings to be held on the first Thursday of each month.

15. DATE OF NEXT MEETING

The date for the next private and public Board meeting would be Thursday 5 March 2020.

The meeting concluded at 3.30 pm

Corporate Services

Date: February 2020

Chair