

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 7 MAY 2020 AT 9.30AM IN WATERSIDE TOWER, CLARENDON DOCK AND VIA VIDEO CONFERENCE FACILITY

- Present:**
- Mr Doug Garrett, Chair
 - Mr Tom Frawley, Vice-Chair*
 - Mr Michael Atkinson
 - Mr John Blair MLA
 - Mr Tom Buchanan MLA
 - Mrs Joanne Bunting MLA
 - Mr Trevor Clarke MLA*
 - Mrs Janet Gray*
 - Mr Edgar Jardine
 - (1) 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:**
- (2) Chief Constable Simon Byrne
 - (3) Deputy Chief Constable Mark Hamilton*
 - (2) Assistant Chief Constable Alan Todd
 - (3) Mr Mark McNaughten, T/ Director of Finance and Support Services*
 - (2) Superintendent John McCaughan, Command Secretariat
- National Crime Agency In Attendance:**
- (4) Ms Lynne Owens, Director General*
 - (4) Mr Tom Esslemont, Director of Communications*
- Board Officials In Attendance:**
- Mrs Amanda Stewart, Chief Executive
 - Mr Adrian McNamee, Director of Partnership*

OFFICIAL

Ms Jenny Passmore, Director of Performance
Ms Aislinn McGuckin, T/Director of Police
Administration
Mr John Wadham, Human Rights Advisor*
Three Board Officials

*Attended the meeting via video conference facility

- (1) Items 1 to 8.4 and 9 to 15.
- (2) Items 9 to 15.
- (3) Items 9 to 11.
- (4) Item 11 only.

The Chair welcomed all Members to the first substantive Board meeting since the Board had been reconstituted on 1 April 2020. The Chair noted that since 1 April 2020 the Board had met privately on two occasions on 2 and 16 April 2020. The Chair also acknowledged the contribution of those Members whose term of office ended on 31 March 2020 noting their many years of service and the benefit of their expertise to the Northern Ireland Policing Board.

1. APOLOGIES

No apologies were received.

The Board agreed the agenda for the meeting.

2. CONFLICTS OF INTEREST

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

OFFICIAL

3. DRAFT MINUTES OF THE MEETINGS HELD ON 5 MARCH, 19 MARCH, 2 APRIL AND 16 APRIL 2020

It was:-

RESOLVED

- That the draft minutes of the Board meetings held on 5 March 2020, 2 April 2020, and 16 April 2020 be approved.

4. UPDATE ON ACTION LOG

Members noted the following updates in regard to the Action Log from the Board meeting held on 16 April 2020. NOTED.

Action Point 1

It was noted that the Board Chair had written to the Minister of Health in relation to the COVID-19 Regulations and a copy of the correspondence was included within the papers at agenda item 5. It was noted that this action was closed on the Action Log.

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

OFFICIAL

Action Point 1

It was noted that work was ongoing to further progress the draft Tripartite Agreement between the Board, PSNI and the Department of Justice (DoJ).

It was noted that Action Point 2 from the meeting held on 5 March 2020 was closed on the Action Log.

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

Action Point 2

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

Action Point 3

It was noted that correspondence dated 4 March 2020 had been issued to both the DoJ and the Department of Health about the future funding of Custody Suites and Street Triage Clinics but a response had not yet been received and was likely delayed while work focussed on the COVID-19 pandemic.

Action Point 4

The Chief Executive noted that a response from the PSNI on Operation Turnel (the review of the disclosure failings in the investigation into the Sean Graham shootings in 1992) had not yet been received but would be followed up with the PSNI. The Chief Executive further noted that the Criminal Justice Inspectorate for Northern Ireland (CJINI) had published its report on the PSNI's disclosure failings and it was agreed that the CJINI and the Police Ombudsman would be invited to a future Board meeting to discuss the Report.

OFFICIAL

Action Point 7

It was noted that a review of PSNI Chief Officer allowances was ongoing and would be presented to a future Resources Committee meeting to consider the matter in the first instance before making a recommendation to the Board.

It was noted that Action Point 5 from the meeting held on 6 February 2020 was closed on the Action Log.

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

Action Point 2

It was noted that the Board's proposed accommodation move to James House would be dealt with later in the meeting and that the Action Point would be closed on the Action Log.

Action Point 4

It was noted the PSNI's Grievance and Bullying and Harassment Procedures for staff and officers would be considered by Board Officials before the information would be referred to a Board Committee. Because of competing work priorities and the COVID-19 pandemic this had not been possible but would be progressed as soon as practical.

It was agreed that the PSNI's new HR Strategy currently being developed, would be received in due course for Resources Committee consideration and circulated to all Members. **(AP1)**

Action Point 10

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

OFFICIAL

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

It was noted that the discussion paper on the out workings of the Board Effectiveness Review and Board Skills Matrix, which had been intended to be progressed with the Board following reconstitution on 1 April 2020, had been delayed because of the COVID-19 pandemic.

It was noted that Action Point 3 and Action Point 6 from the meeting held on 4/5 September 2019 were closed on the Action Log.

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 1 April to 6 May 2020.
- A list of correspondence received by the Chair during the period 1 April to 6 May 2020.
- A list of correspondence issued by the Chair during the period 1 April to 6 May 2020.

The Chair updated Members on his and the Vice-Chair's recent meeting with the Irish Policing Authority (IPA) which had provided an opportunity to re-

OFFICIAL

emphasise the importance of ensuring a good working relationship between the Board and the IPA to ensure communication flow and information sharing about lessons learned, and he noted that he hoped that the meetings would occur regularly going forward and he would keep Members updated.

Members discussed the Chair's correspondence to Mr Patrick Corrigan, Amnesty International's Northern Ireland Programme Director, dated 30 April 2020, and whether the use of 'spit and bite guards' within the PSNI was an operational decision for the Chief Constable or if Board approval was required as 'spit and bite guards' may be considered 'novel and contentious'. Members discussed the current limited use of 'spit and bite guards' within Custody Suites, Cell Vans, Covid 19 response vehicles and Armed Response Units as a result of the COVID-19 pandemic. It was noted that 'spit and bite guards' was referenced within the Policing Board's proposed Programme of Work in response to COVID-19 which was to be discussed later in the meeting at agenda item 8.4. It was confirmed that the Board's approval for the PSNI to make limited use of spit and bite guards was limited to their response to COVID-19.

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 the implications of COVID-19 on the organisation and the limited number of staff who have the ability to work remotely, the suspension of the Independent Custody Visitor (ICV) Scheme which would be discussed later in the meeting at agenda item 8.5., and the suspension of the Selected Medical Practitioner (SMP) appointments within Police Administration and engagement underway with the SMP about re-establishing appointments at the appropriate time in a safe way.

OFFICIAL

The Chief Executive also updated Members on the underspend of the 2019/20 Board budget which was largely as a result of staffing vacancies within the Board. The 2020/21 Budget would be discussed in more detail at the May meeting of the Resources Committee. The Chief Executive further updated Members on changes within the Senior Management Team (SMT) including progress to replace a member of SMT who had been a secondee but had returned to their substantive post within the DoJ.

7. COMMITTEE REPORTS

7.1 Performance Committee 13 February 2020 and 12 March 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 meetings held on 13 February 2020 and 12 March 2020 and the draft minutes of both meetings. NOTED.

7.2 Partnership Committee - 20 February 2020 and 19 March 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 20 February 2020 and 19 March 2020 and the draft minutes of both meetings. NOTED.

7.3 Resources Committee - 20 February 2020 and 19 March 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

OFFICIAL

meetings held on 20 February 2020 and 19 March 2020 and the draft minutes of both meetings. NOTED.

The Committee Chair updated Members on the Resources Committee's consideration of the proposal that the Policing Board move accommodation to James House, Belfast. The Committee Chair noted that the Resources Committee were supportive and recommended that the Board approve it. Following discussion, it was:-

RESOLVED

- That the Northern Ireland Policing Board proceed with the accommodation move to James House, Belfast.

7.4 Chair's Advisory Group - 20 February 2020

The Chief Executive updated Members on the meeting of the Chair's Advisory Group held on 20 February 2020. It was:-

RESOLVED

- That the minutes of the Chair's Advisory Group meeting held on 20 February 2020 be approved.

7.5 Injury on Duty Scheme Working Group - 26 February 2020 and 5 March 2020

OFFICIAL

The Board noted a report from the Chair of the Injury on Duty Scheme Working Group which provided an overview of the material items considered at the Working Group meetings held on 26 February 2020 and 5 March 2020. New Members of the Working Group are Deirdre Toner and Janet Gray. NOTED.

8. BOARD BUSINESS

8.1 Board Standing Orders

Officials presented a paper to Members which sought approval of the Standing Orders following the reconstitution of the Board on 1 April 2020. Following discussion, it was:-

RESOLVED

- That the Northern Ireland Policing Board's Standing Orders 2020 be approved.

8.2 Committee Terms of Reference and Membership

The Chief Executive presented a paper which asked Members to approve the Board Sub-Committee Terms of Reference and the membership of the Sub-Committees following the reconstitution of the Board on 1 April 2020. The Chief Executive noted a proposed change to the Terms of Reference of the Chair's Advisory Group membership to include Committee Chairs and one representative of the main political parties if they were not a Committee Chair. Following discussion, it was:-

OFFICIAL

RESOLVED

- That the Terms of Reference for the Board Sub-Committees including the Performance Committee, Partnership Committee, Resources Committee, Audit and Risk Assurance Committee, Chair's Advisory Group and Special Purposes Committee be approved as presented.

It was:-

FURTHER RESOLVED

- That in accordance with section 24 of Schedule 1 of the Police (NI) Act 2000, the Board approved the Membership of the Board Sub-Committees:
- Performance Committee: Joanne Bunting, Alan Chambers, Trevor Clarke, Edgar Jardine, Dolores Kelly, Gerry Kelly, Liz Kimmins, Carmel McKinney, Mervyn Storey, and Deirdre Toner.
- Partnership Committee: Michael Atkinson, John Blair, Tom Buchanan, Joanne Bunting, Janet Gray, Dolores Kelly, Liz Kimmins, Sean Lynch, Carmel McKinney, and Mervyn Storey.
- Resources Committee: John Blair, Tom Buchanan, Alan Chambers, Trevor Clarke, Janet Gray, Gerry Kelly, Sean Lynch, Colm McKenna, Frank McManus, Deirdre Toner.
- Audit and Risk Assurance Committee: Joanne Bunting, Gerry Kelly,

OFFICIAL

Colm McKenna, Frank McManus, Michael Atkinson and Edgar Jardine.

- Chair's Advisory Group: the Board Chair, the Board Vice-Chair, the Chair of each sub-Committee and a representative from each of the main political parties if they are not represented by a Committee Chair.
- Special Purposes Committee: The Committee is comprised of the Board Chair, Vice-Chair and Chairs of each of the Board's Committees.

8.3 Key Strategic Issues for the Board and Priorities for 2020/21

The Chief Executive presented a paper which summarised the key strategic issues for the Board and the priorities to be progressed in 2020/21. NOTED

8.4 Policing Board's Programme of Work in response to policing implications of COVID-19

The Chief Executive presented a paper which updated Members on the Board's proposed Programme of Work in response to COVID-19. The Chief Executive noted that in addition to the priorities set out within the Policing Plan 2020-2025, it was proposed that the Board focus on three additional COVID-19 related priorities as was detailed within the paper.

The Board's Human Rights Advisor updated Members on the thematic review that he would undertake, of the PSNI's response to COVID-19. The proposed Terms of Reference of the thematic review were included within the meeting materials and the Board were asked to approve them.

OFFICIAL

Members were updated on the work with the PSNI to obtain data and information about policing arrangements during COVID-19 including information on the number of people arrested and detained.

It was:-

- **RESOLVED**

- That the Terms of Reference of the Review of the PSNI's response to COVID-19 be approved as presented.

8.5 Review of Arrangements for Operation of the Independent Custody Scheme during COVID-19

Board Officials presented a paper which updated Members on the suspension of the Independent Custody Visiting (ICV) Scheme, as a result of COVID-19, and presented various options to reintroduce the ICV Scheme noting that ICV Volunteers were defined as Key Workers by the UK Home Office as they were deemed as essential to the effective running of the criminal justice system.

Officials noted that the paper presented four options for Members to consider, and provided an overview of the anticipated visits that may be conducted if the Board approved the phased reintroduction of the ICV Scheme. It was:-

RESOLVED

- That the Independent Custody Visitor scheme be reintroduced from Friday 8 May 2020.

OFFICIAL

8.6 Appointment Panel to Progress the Recruitment of PSNI Assistant Chief Constables

Officials presented a paper which asked Members to agree an Appointment Panel to progress the current Assistant Chief Constable recruitment competition, and updated Members on the future recruitment of other PSNI Chief Officer positions in order to put in place the new PSNI Service Executive Team structure that the Board had approved previously. It was:-

RESOLVED

- That the Appointment Panel to progress the recruitment and appointment of PSNI Assistant Chief Constables' would comprise of Mr Doug Garrett (Board Chair), Mr John Blair, Mrs Joanne Bunting, Mr Edgar Jardine, Mrs Dolores Kelly, Ms Liz Kimmins, and Ms Carmel McKinney.

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

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

The Chief Constable provided Members with an update on the policing response to COVID-19 including absence levels within the PSNI and front line COVID-19 testing for officers. The Chief Constable also updated Members on the use of 'spit and bite guards' within Custody Suites, PSNI staff and officer wellbeing, the continued digitalisation on the PSNI with telephone statements being taken where possible, and engagement with the Lord Chief Justice and the Department of Justice about a potential backlog

OFFICIAL

of court matters as Courts were not in session due to COVID-19. ACC Todd updated Members on the PSNI's attention to the potential relaxing of COVID-19 measures in the coming weeks. During the meeting, Members discussed and asked questions about:

- The potential impact on the relaxation of measures. The Chief Constable noted that the PSNI would keep the matter under review but that in due course he wanted to see a return to neighbourhood policing teams being aligned with communities, rather the current approach which was in response to COVID-19.
- The decrease in the availability of illegal drugs as a result of travel restrictions across Europe, and so drugs could not be imported.
- The recent Northern Ireland Audit Office (NIAO) Report on Reducing Costs within the PSNI which discussed the increasing number of PSNI officers on duty restrictions. The Chief Constable noted that the number of PSNI officers on duty restrictions did not compare favourably to other UK police services but highlighted Northern Ireland's unique circumstances including the current threat level and the Legacy issue which meant that officers had to wear additional body armour and carry weapons which may cause officers musculoskeletal injuries, and other illnesses including psychological injuries, as a result of dealing with security incidents.

The Chief Constable updated Members on the review of the PSNI's Occupational Health Service and the mitigations that were being progressed, before COVID-19, including lighter body armour but were now paused.

The Deputy Chief Constable noted that the NIAO Report contained many lessons for the PSNI to learn, but that the threat level within Northern Ireland differentiated the PSNI from other UK police services, and contributed to the PSNI illness and injury record.

The T/Director of Finance and Support Services updated Members on the ongoing review of the PSNI's vehicle fleet and the PSNI's engagement with the car industry to ensure that the most appropriate vehicles were obtained for use within the armoured fleet but that options in this regard were limited.

OFFICIAL

- The conviction rate for drink driving offences remaining stagnant. The Chief Constable updated Members on engagement with the Minister of Infrastructure about drink driving messaging and communications to the public to ensure that it was appropriate and targeting those who continued to commit the offence.
- An update on the investigation into the payslips for retired officers which had been reported as missing but had since been delivered by Royal Mail to retired officers. The Chief Constable noted that there were no features on the payslips to identify people as retired police officers. The Chief Constable further noted that a review was ongoing to consider a change to electronic payslips, which would be more secure, but the Chief Constable acknowledged that electronic payslips would not suit everyone.
- The PSNI's 2020/21 Budget. The T/Director of Finance and Support Services noted that while the PSNI had received an increase in the 2020/21 Budget in comparison to 2019/20, there were a number of additional costs that the PSNI had to manage including the uplift in officers pay, and so in real terms there was no increase to the 2020/21 PSNI Budget.
- The Chief Constable also noted that in advance of the Northern Ireland Executive's review of the COVID-19 restrictions, he had written to the Minister of Justice to share his views about the consideration needed to how public space may be reopened.

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 March 2020 for the Board's attention.

OFFICIAL

10.2 Written Questions and Responses

Members noted that it had been previously agreed that the Committees would not submit questions to the Chief Constable as the focus remained on the policing response to COVID-19.

10.3 Key Issues of Public Interest

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

11. PRIVATE SESSION WITH NCA DIRECTOR, LYNNE OWENS INCLUDING THE NCA WRITTEN REPORT

The Chair welcomed Ms Lynne Owens, National Crime Agency (NCA) Director General, and Mr Tom Esslemont, NCA Director of Communications to the meeting.

The Director General updated Members on the NCA's activities within Northern Ireland highlighting some of the NCA's recent work including recovery of weapons and work with European authorities on a transnational operation which had an impact on Northern Ireland. The Director General also updated Members on the impact COVID-19 was having on NCA activities as criminals adapted their crime model including an increase in online crime and online child sex abuse. Links between organised crime and paramilitaries in Northern Ireland were highlighted and the importance of maintaining the relationship with An Garda Síochána. Members also discussed the following issues with the Director General:

- The civil recovery powers available within Northern Ireland. The Director General noted that neither Serious Crime Prevention Orders

OFFICIAL

nor Unexplained Wealth Orders were available within Northern Ireland and they were useful tools available in other parts of the UK to fight serious and organised crime.

- The increasing number of drug related deaths within Northern Ireland and the NCA's global work in tackling the availability of drugs. The Director General noted that one aspect of the NCA's work in the fight against drugs was to educate people on the harm that drugs can expose them to by focussing on how drugs were manufactured and mixed around the world.
- Child sex abuse and human trafficking crime statistics and how Northern Ireland compares to the UK. The Director General noted that across the UK the crimes were under reported but it was an area of focus for the NCA and the PSNI within Northern Ireland. The Director General and the Chief Constable updated Members on the collaborative work done to tackle child sex and human trafficking crimes.
- An update on the investigation into the National Asset Management Agency's Northern Ireland property deal. The Director General noted that files had been prepared and sent to the Public Prosecution Service but to date no charging decisions made.
- The changing pattern of crime as a result of COVID-19. The Director General updated Members on how crimes were changing including an increase in the targeting of people in online crime and counterfeit Personal Protective Equipment.

12. COMMUNICATION ISSUES

Members noted that further consideration was needed of how the Board would promote the activities of the NCA and the Board's Human Rights Advisor within Northern Ireland.

OFFICIAL

13. SCHEDULE OF MEETINGS

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

14. ANY OTHER BUSINESS

The Chief Constable updated Members on changes to the PSNI's uniform which was being trialled at a number of sites within Northern Ireland. The aim of the change was to ensure consistency of the PSNI brand across corporate communications, uniform and PSNI vehicles.

15. DATE OF NEXT MEETING

The next Board meeting would be held on Thursday 4 June 2020.

The meeting closed at 1.33pm.

The private meeting closed and the Board moved into public session at 2pm, 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: May 2020

OFFICIAL

Chair