

**Northern Joint Police Board
No. 2 2009/2010**

Minutes of Meeting of the Northern Joint Police Board held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Friday, 28 August 2009 at 10.00 a.m.

Present

Representing the Highland Council

Mr D Mackay (Substitute)	Mr N Donald
Mr W J Ross	Mrs E McAllister (Substitute)
Mr G Smith	Mr G Marsden
Mr I Renwick	Mr D Cameron
Mr H Wood	Mr B Murphy
Mrs P Munro	Mr B Gormley
Mr P Corbett	

Representing Comhairle nan Eilean Siar

Mr N M Macleod	Mr I Mackenzie
Mr M Macleod (Substitute)	Mr P Carlin

Representing Orkney Islands Council

Mr A Drever	Mr S Harcus (Substitute)
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Representing Shetland Islands Council

Mr A Duncan	Mr A Cooper
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Officials in attendance:

Mr I Latimer, Chief Constable
Mr G Sutherland, Deputy Chief Constable
Chief Superintendent A Cowie, Head of Support Services
Chief Inspector P MacRae
Chief Inspector I Bryce
Mrs E Ward, Force Director of Finance and Asset Management
Mrs A Sillars, Force Director of Human Resources
Mrs V MacDonald, Force Finance Manager
Mr R MacDonald, Force Estate Manager
Mr P Lamont, Force Head of Administration
Mrs M Grigor, Treasurer's Office
Mrs L Howie, Legal Manager, The Highland Council
Ms M Morris, Clerk
Mrs R Moir, Assistant Clerk
Ms L Lee, Clerk's Office
Mr S Taylor, Clerk's Office

Also in attendance:

Mr B Skelly, HM Inspector of Constabulary for Scotland (HMICS)
Superintendent J Baird, HM Inspectorate of Constabulary for Scotland (HMIC)
Mr G Neil, Senior Audit Manager, Audit Scotland

Mr N M Macleod in the Chair

Preliminaries

Prior to the commencement of the meeting, the Convener took the opportunity to welcome Mr Bill Skelly and Superintendent Jim Baird from HMIC, and Mr Gordon Neil from Audit Scotland, who were attending the meeting as part of the Best Value Audit process (item 4 below refers).

The Convener also welcomed Mr Bren Gormley, a new Member of the Board representing the Highland Council, and also Chief Superintendent Andy Cowie, recently appointed as Head of Support Services at Northern Constabulary, to their first Board meeting in these respective roles.

1. Briefing on Protocol for the Webcasting of Meetings

There had been circulated for information copy of the Highland Council Protocol on Webcasting of Meetings. The Chairman informed the Board that the meeting was being filmed for live webcast and subsequent archiving for broadcast via the Council's internet site.

The Clerk advised that:

- the Chair would have the discretion to terminate or suspend filming if, in his opinion, continuing to do so would prejudice the proceedings of the meeting or if, on advice, he considered that continued filming might infringe the rights of any individual
- at the commencement of discussion of exempt or confidential matters the webcasting of the meeting would cease
- the cameras were activated by the microphones and Members would be required to switch them on when speaking and switch them off thereafter.

In response to a query, the Clerk advised that she was not aware whether the other constituent authorities had webcasting equipment installed. She explained that the Highland Council was running a pilot of webcasts over 12 months, which would be reviewed at the end of that period. The Chairman suggested that, if facilities to webcast became available in the other constituent authorities, the Board should pursue this option for meetings held there.

2. Apologies for Absence

Apologies for absence were intimated on behalf of Mr J Rosie, Mr W MacKay, Mrs D Mackay, Mr H Fraser and Mr A Millar of The Highland Council, Mr C Nicolson and Mr P Carlin of Comhairle nan Eilean Siar and Mr R K Leslie of Orkney Islands Council.

3. Board Membership Update

The Board **NOTED** the following changes in Highland Council appointments to the Board:

Substantive Member:

Mr B Gormley (replacing Mr J Finnie)

Substitute Members:

Ms M Smith (replacing Mr B Gormley)

Mr D Chisholm (replacing Mrs L Munro)

Following these changes, the Board **AGREED** the following appointments to Sub-Committee vacancies:

- Discipline Appeals Sub-Committee – Mr B Gormley (replacing Mr J Finnie)
- Grievance Appeals Sub-Committee – Mr B Gormley (replacing Mr J Finnie)

4. Best Value Audit

i. Presentation – Best Value Audit Team

At its meeting held on 13 May 2009, the Board had noted a proposal for a pilot Best Value Audit of Northern Constabulary and Northern Joint Police Board, to be conducted by Her Majesty's Inspectorate of Constabulary (HMIC) and Audit Scotland.

The Best Value Audit Team, comprising representatives of HMIC and Audit Scotland, made a presentation to the Board on the audit process. They outlined the legal framework and the characteristics of a Best Value authority. The inspection would comprise two parts: a corporate assessment of the management arrangements and processes used by the Force and the Board, and an assessment of Force performance. The corporate assessment set out expectations on how local authorities should achieve best value, but left it to the authorities to decide their own way of achieving this.

The Guidance for Members of Police Authorities and Joint Boards published by the Scottish Government in 2007 advised that the role of elected Members was to be involved in setting a strategic direction which met the needs of communities; to receive, scrutinise and challenge performance information; and to hold the Chief Constable to account for the quality of services and the management of public resources.

The main stages of audit and inspection were outlined and involved the following stages:

- Initial set up meetings
- Presentations to the Force and the Board
- Overview/scoping
- Detailed audit and inspection work, including an on site period

- Draft reporting, with HMICS and the Controller of Audit to agree the overall judgment
- Draft joint report to the Board and the Force
- Report to HMICS and the Accounts Commission and Publication by Ministers

The Joint Audit and Inspection report would be split into four sections:

- Context, Vision and Direction Leadership
- Corporate Assessment
- Service Performance Assessment
- Improvement Agenda

The timeline for the Northern Constabulary pilot was outlined. It was envisaged that it would be published in February 2010 as a joint report, with an evaluation issued shortly after. This would be followed by the production of a Joint Improvement Plan, with HMIC meeting with the Chief Constable, and Audit Scotland and HMIC meeting with the Board. A local external auditor would monitor the corporate improvement plan and issue progress reports, whilst HMICS would monitor the improvement plan through its inspection regime.

In response to a couple of queries, the Board was advised that:

- it was anticipated that the earliest date for the next Best Value audit would be in 2012
- the criteria used to interview Members would vary depending on issues relating to specific councillors.

The Board **NOTED** the presentation.

ii. **Action Plan and Best Value Submission**

There had been circulated Report No. POL47/09 dated 21 August 2009 by the Clerk updating the Board on preparation work for the forthcoming joint audit of Northern Constabulary and the Northern Joint Police Board, including the Self Assessment Action Plan and Best Value Submission.

During discussion, a number of comments were made, including:

- in Action Point 1 under EFQM Outcomes – RESULTS of the Action Plan, the word “Marketing” be replaced by “Raising awareness of”
- on the Action Plan webpage, appropriate links to consultations and organisations be provided
- the heading “Owner Allocated To” be amended to reflect the appropriate officer responsibility for the action in question
- a report on the need for additional officer support identified during the Best Value audit be brought back to the Board
- the Board write to the chair of the Orkney Community Planning Partnership to request that a Board member be invited to sit on that body.

The Board **APPROVED** (a) the proposed EFQM Action Plan, subject to amendments to take into account the comments made in discussion, and (b) the

Best Value submission paper to Audit Scotland in preparation for the audit and inspection process presentation; and **AGREED**:

- i. that a report would be brought back to a future meeting on the need for additional officer support identified during the best value audit; and
- ii. to write to the chair of the Orkney Community Planning Partnership to request that a Board member be invited to sit on that body.

5. Presentation on the Public Performance Report 2008/09

The Chief Constable made a presentation to the Board on the Northern Constabulary Public Performance Report (PPR) 2008/09. In relation to this, there had been circulated Report No. POL29/09 dated 17 August 2009 by the Chief Constable introducing the PPR.

In the course of his presentation, the Chief Constable emphasised the Force goal of making a positive contribution to the wellbeing of the Highlands and Islands through a problem solving approach to community policing. The five key priorities of the Force were outlined as follows:

- reducing crime
- tackling serious crime
- promoting safer roads
- developing stronger, safer communities
- maintaining public order

During the course of 2008/09 a detection rate of 63.1% had been achieved in Group 1-5 crimes. The Force had continued to target drink and drug related driving offences and there had been a 7% reduction in the number of road traffic accidents within the Force area and a 4% reduction in the number of accidents involving death or injury. There had been a 15.4% decrease in child offenders involved in crimes of dishonesty and the 7% reduction in crime achieved in 2007/08 had been consolidated.

The Chief Constable outlined the current local policing strategies, including:

- Problem Solving Policing
- Reduced Crime
- Developing Community Partnerships
- Targeting Road Safety
- Community Focused Approach
- Safer Communities
- Targeting Drug & Alcohol Abuse
- Increased Visibility

The Force continued to have high performance rates, with the lowest recorded crime and the highest detection rates in the United Kingdom.

In response to a number of questions, the Chief Constable advised that:

- there was no structural deficit in the Force's budget and the decisions agreed were affordable and sustainable

- discussions would be held with the four constituent authorities on the budget for 2010/11 and a report submitted to the Board meeting in November outlining ways to support the revenue and capital budgets
- there was no intention to reduce the number of police officers below 800
- it was important for police officers to engage with communities
- there had been additional investment in training Special Constables to support the delivery of local policing.

The Convener thanked the Chief Constable for his presentation, which was **NOTED**.

6. Minutes – Previous Meeting

There had been circulated and were **APPROVED** Minutes of Board Meeting of 13 May 2009.

Arising from the Minutes, the Board **NOTED** that:

- i. a presentation on public protection would be brought to the next meeting of the Board; and
- ii. the Convener had been in attendance at CoSLA Community Safety Executive Group meetings and was in dialogue with CoSLA representatives and other Police and Fire and Rescue Authority representatives to put forward responses to the Scottish Government on the Independent Review of Policing.

7. International Standard on Auditing 260

There had been circulated Report No. POL30/09 dated 13 August 2009 by the Treasurer inviting the Board to delegate powers to the Treasurer, in consultation with the Chairman of the Audit Working Group, to deal with the requirements of International Standard on Auditing 260 in relation to (a) the 2008/09 audit, and (b) future audits, the latter in circumstances where the Board's meeting schedule again did not permit the Board to consider the Audit Working Group recommendation regarding the ISA 260 report in advance of signing the audit certificate.

The Board **AGREED** to delegate powers as set out to the Treasurer, in consultation with the Chairman of the Audit Working Group.

8. Revenue Expenditure Out-turn 2008/09

Members **NOTED** that the Audit Working Group would meet immediately following the meeting of the Board; that the agenda business for that meeting included consideration of the Unaudited Accounts for 2008/09; and that the Minutes of that meeting would be reported to the Board at its next meeting on 27 November 2009.

9. Revenue Budget Monitoring Statement 2009/10

There had been circulated Report No. POL31/09 dated 19 August 2009 comprising a statement and commentary by the Chief Constable on Revenue Expenditure and Income for the period from 1 April to 31 July 2009.

In speaking to the report, the Chief Constable advised that:

- i. the pensions overspend would be balanced with the reimbursement from the Scottish Government of the additional commutation costs following the recent change to the method of calculating Police Officers' commutations;
- ii. the projected police numbers previously agreed by the Board would be achieved at an affordable level during the current financial year; and
- iii. savings had enabled a growth in operational budgets, with £1.6m of additional funding being divided between the three divisional budgets for the year.

In response to a query, the Chief Constable advised the Board that he was in constant dialogue with the Scottish Government on the issue of funding for retiring officers, and he gave his assurances that the monies reimbursed would be returned to operational and revenue budgets.

The Board **NOTED** the position.

10. Revenue Reserves Strategy 2009-2010

There had been circulated Report No. POL32/09 dated 19 August 2009 by the Chief Constable informing the Board of plans for utilisation of revenue reserves.

In speaking to the report, the Chief Constable advised the Board that the amount available in the pensions reserve would be subject to review as a result of changes to the funding mechanism for Police Officer pensions to be introduced from April 2010.

In response to a query, the Chief Constable advised the Board that a minimum target of 3% was set for future reserves.

The Board **NOTED** the report.

11. Capital Out-turn 2008/09

There had been circulated Report No. POL33/09 dated 15 August 2009 presenting the capital expenditure out-turn for 2008/09.

The Convener highlighted that the report showed good management of the services and that finances were kept within very strict control.

The Board **NOTED** the position.

12. Capital Expenditure Monitoring Statement 2009/10

There had been circulated and was **NOTED** Report No. POL34/09 dated 11 August 2009 comprising a statement and commentary by the Chief Constable on Capital Expenditure for the period 1 April to 31 July 2009.

13. Estate Management Report

There had been circulated Report No. POL35/09 dated 12 August 2009 by the Chief Constable providing an overview of the Capital and Management Projects Programme.

In speaking to the report, the Chief Constable advised that a detailed paper presenting options for the project at Fort William was currently being prepared and that local Members would be invited to discuss the proposals with Divisional and Estates representatives. In relation to the renovation at Glencoe, the Board was informed that this could be achieved during the current financial year; however, as the capital programme had already been set out, he hoped that a formal recommendation would be brought to the November meeting of the Board to gain approval to take forward capital spend on the project.

In response to a query, the Deputy Chief Constable advised that positive discussions had taken place with the Scottish Ambulance Service on sharing Police and Ambulance services on a number of sites around the Highlands. In response to a query relating to the Draft Sustainable Construction Statement, the Chief Constable advised that a further report would be brought to a future meeting of the Board.

Following discussion, the Board **NOTED** the progress to date on approved projects; **APPROVED** the new method of charging and the rentals for 2009-10; and **AGREED** to increase the Radio Site Rental Charges annually by RPI from 1 April 2010.

The Board also **NOTED** the development of a Draft Sustainable Construction Statement and that a further report on this would be brought to a future meeting.

14. Procurement Report

There had been circulated and was **NOTED** Report No. POL36/09 dated 12 August 2009 by the Chief Constable on recent procurement activity.

15. National Command and Control System

There had been circulated Report No. POL37/09 dated 3 August 2009 by the Chief Constable informing the Board of the position on procurement of a National Command and Control System.

In speaking to the report, the Chief Constable advised the Board that the implementation of National Command and Control was scheduled for Northern Constabulary in September 2011 and that a report would be brought to the next meeting of the Board on the implications of the move.

In relation to the 10 year contract Northern Constabulary had signed in 2004 with Intergraph Public Safety for the use of the Intergraph/Computer Aided Dispatch Command, the Chief Constable reported that discussions were ongoing with Intergraph Public Safety regarding potential financial penalties from withdrawing from the contract at an earlier stage. The Vice Convener highlighted that it would be unfair for Northern Constabulary to be left with penalty costs in such

circumstances and asked that the Board support the Chief Constable in seeking to ensure that the Board was not left with any outstanding contractual penalties

The Board **NOTED** the position and that a report would be brought to the next meeting of the Board on the implications of the move towards a single Scottish National Command and Control system; and **AGREED** to support the Chief Constable in seeking to ensure that the Board was not left with any outstanding contractual penalties.

16. Single Outcome Agreements

There had been circulated Report No. POL38/09 dated 4 August 2009 by the Chief Constable informing Members on the current status of the Single Outcome Agreements.

The Board **NOTED** the report and that a further detailed report would be brought to the Board's next meeting outlining the contribution Northern Constabulary made across the four planning partnerships and highlighting the involvement in Single Outcome Agreements and the initiatives in place with partners.

17. Variable Shift Arrangement

At its meeting held on 23 January 2009, the Board had noted a presentation on the Variable Shift Arrangement (VSA), the new corporate operational shift system.

There had been circulated Report No. POL39/09 dated 3 August 2009 by the Chief Constable providing Members with a six monthly review of the VSA.

In speaking to the report, the Chief Constable highlighted that the new shift system had so far made a positive impact on the workforce, with good staff morale and a slight reduction in sickness/absence figures compared to the same period the year before. A detailed review of the VSA would take place after the first 12 months of the system's operation.

In response to a question drawing attention to the large number of new and thus less experienced officers currently in the Force, the Chief Constable reassured Members that steps were being taken to ensure the availability of experienced officers to safeguard the high standard of service delivery.

The Board **NOTED** the position.

18. Investors in People

There had been circulated and was **NOTED** Report No. POL40/09 dated August 2009 by the Chief Constable providing Members with an update on progress against the Investors in People standard.

19. Gender Equality Duty

i. Northern Joint Police Board

At its meeting held on 13 May 2009, the Board delegated powers to the Clerk, in consultation with those Members appointed to sit on the Force's Diversity Group, to finalise and publish the Board's annual report on its Gender Equality Scheme by the due date of 29 June 2009.

Members were advised that the document had been published on the Board's web pages and that copies could also be obtained from the Clerk's office.

The Board **NOTED** the position.

ii. Northern Constabulary

There had been circulated Report No. POL41/09 dated 10 August 2009 by the Chief Constable introducing his annual report in relation to the Gender Equality Duty, also duly published, as appended to the report.

The Chief Constable highlighted the appointment of Northern Constabulary's first female Chief Inspector as a very important milestone and a sign of an executive team that would reflect the breadth of staff in the force. He was also keen to ensure that, whilst everyone was promoted on merit, there was representation from across all communities.

The Board **NOTED** the position.

20. Role Descriptions for Members

There had been circulated Report No. POL42/09 dated 24 July 2009 by the Clerk recommending the introduction of Role Descriptions for the Convener, Vice Convener and Board Members, in line with guidance issued by the Scottish Government.

During discussion it was highlighted that the Members' role in representing the Board within their constituent authority should be more clearly defined.

The Board **APPROVED** the draft role descriptions as detailed in Appendix 1, subject to the addition of wording to reflect the Member's role in representing the Board within his/her appointing authority.

21. Chief Constable's Periodic Report

There had been circulated Report No. POL43/09 dated 6 August 2009 by the Chief Constable comprising his periodic report and covering Crime and Road Accident Statistics, the Crime Situation, Youth Crime and Drug-related Crime.

The Deputy Chief Constable highlighted the main features of the report and drew attention to the positive crime reduction and detection rates.

During discussion, it was highlighted that a proposal would be forwarded through the Inverness City Committee to implement a ban on drinking outside the Rockness music festival area in 2010.

Members took the opportunity to express their appreciation of former Chief Inspector Malcolm Bell, who had recently retired.

In response to questions/comments, the Board was advised that:

- it was important to stress to the public that phone calls to Crimestoppers would be treated in total confidence
- the re-launch of Neighbourhood Watch in Inverness had been positive; however, it would be up to the local communities to carry the scheme forward
- the Deputy Chief Constable was aware of the ongoing problem of vandalism in Caithness and was looking at the causes of it; however, without witnesses it was difficult to detect vandalism
- the Deputy Chief Constable would ask the Area Commander to look at the provision of police officers patrolling in Wick
- dialogue had taken place with motorcycle magazines/websites regarding the dangers of riding on Highland roads and leaflets had been distributed to promote safer motorcycle riding for people from outside the area
- the Force's Architectural Liaison Officers worked closely with the constituent authorities in relation to housing and other developments to seek to design out opportunities for crime and anti-social behaviour
- the Force had received a Gold Award under the NHS Scotland "Scotland's Healthy Working Lives Award Programme" and took a proactive approach to promoting health and welfare improvements in the workforce
- whilst acknowledging that numbers requiring to be taken into custody as a place of safety might increase should the Beechwood facility in Inverness become unavailable, the Force, which currently in any event housed the larger number of such cases, would continue to meet the demands placed upon it to care for vulnerable individuals in police custody.

After discussion, the Board **NOTED** the position.

22. Letters of Appreciation

There had been tabled and were **NOTED** 38 letters of appreciation received by the Chief Constable for the period from 1 April to 30 June 2009. There had also been circulated and was **NOTED** Report No. POL44/09 dated 8 July 2009 by the Chief Constable illustrating letters of appreciation.

23. Media Coverage

There had been tabled and was **NOTED** a book of press cuttings, which had been available for inspection by Members prior to the meeting.

24. Complaints against the Police

There had been circulated and was **NOTED** Report No. POL45/09 dated 8 July 2009 by the Chief Constable regarding complaints against Police Officers from 1 April to 30 June 2009.

The Board **AGREED** that the Complaints Book specifying complaints against Northern Constabulary, which had been available for inspection by members prior to the meeting, be declared exempt by virtue of Paragraph 1 of Part I of Schedule 7A of the Local Government (Scotland) Act 1973.

25. Schedule of Meetings

Members were reminded that setting a full schedule for Board meetings in 2010 would require information on the schedules to be set by the individual Constituent Authorities. On this basis, a report recommending a full schedule would be brought to the November 2009 meeting of the Board.

In the meantime, the Board **AGREED** that:

- i. the Board's first meeting of 2010 be held on Friday, 29 January 2009 (a.m.), in Inverness; and
- ii. should there be a need for a prior meeting of the Finance and Policy Working Group to consider the budget, this be held on Friday, 15 January 2009 (a.m.).

26. Execution of Deeds

The Board **NOTED** the deed recently executed on behalf of the Board, as set out in the agenda for the meeting.

27. Exclusion of the Public

The Board **RESOLVED** that, under Section 50(A)4 of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of exempt information as defined in Part I of Schedule 7A of the Act, the relevant paragraph being shown.

28. Land at Arisaig - Disposal

Paragraph 9

There had been circulated to Members only and was **AGREED** Report No. POL46/09 dated 13 August 2009 by the Clerk on the proposed disposal of a small area of land at Arisaig.

29. Police Housing

Paragraphs 1 & 12

There had been circulated to Members only report by the Clerk concerning a recent application in relation to housing.

The Board **AGREED** the recommendations set out therein.

30. Complaints Involving Senior Officers

Mr H Wood declared a non-financial interest in this item due to previous contact with one of the complainers referenced and left the room.

Paragraph 1

There had been circulated to Members only Minutes of Meetings of the Complaints Working Group held on 25 June 2009 and 20 August 2009.

i. Complaint 1

There had been circulated to Members only Report No CWG9/09 dated 17 June 2009 by the Clerk, previously considered by the Complaints Working Group at its meeting on 25 June 2009, together with a draft letter of response from the Clerk to the complainer, reflecting the views of the Working Group.

The Board **AGREED** to take no further action, on the grounds that the allegation, even if proven, would not amount to misconduct in terms of the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999, and **APPROVED** the circulated draft letter of response to the complainer.

ii. Complaint 2

There had been circulated to Members only Report No CWG10/09 dated 17 June 2009 by the Assistant Clerk, previously considered by the Complaints Working Group at its meeting on 25 June 2009, together with (a) further email and attachment dated 10 August 2009 from the complainer; (b) copy of the text under which he had forwarded this email to the Area Procurator Fiscal; and (c) draft letter of response to the complainer reflecting the views of the Working Group..

The Board **AGREED** to take no further action, on the grounds that the allegation was unfounded, and **APPROVED** the circulated draft letter of response to the complainer.

iii. Complaint 3

There had been circulated to Members only Report No CWG11/09 dated 11 August 2009 by the Clerk, previously considered by the Complaints Working Group at its meeting on 20 August 2009, together with a draft letter of response from the Clerk to the complainer, reflecting the views of the Working Group.

The Board **AGREED** to take no further action, on the grounds that the allegation did not objectively provide any reasonable inference of misconduct by the Chief Constable, and therefore did not trigger further action or investigation in terms of the 1999 Regulations. The Board also **APPROVED** the circulated draft letter of response to the complainer.

The Board also **AGREED** to explore the possibility of dealing with repeat complaints not raising new issues of substance without requiring to bring them again to the full Board.

The meeting ended at 2.10 p.m.