

**Northern Joint Police Board  
No. 4 2008/2009**

Minutes of Meeting of the Northern Joint Police Board held in the Council Headquarters, Glenurquhart Road, Inverness on Friday, 23 January 2009 at 10.00 a.m.

**Present**

**Representing the Highland Council**

Mr J Rosie	Miss J Campbell (Substitute)
Mr G Smith	Mr P Corbett
Mr W MacKay	Mr N Donald
Mrs D MacKay	Mr J Finnie
Mr W J Ross	Mr G Marsden
Mr A Millar	Mr D Cameron
Mr I Renwick	Mr B Murphy
Mrs P Munro	

**Representing Comhairle nan Eilean Siar**

Mr N M Macleod	Mr P Carlin
Mr C Nicolson	Mr I MacKenzie

**Representing Orkney Islands Council**

Mr A Drever	Mr B Leslie
-------------	-------------

**Representing Shetland Islands Council**

Mr A Duncan	Mr A Cooper
-------------	-------------

**Officials in attendance:**

Mr I Latimer, Chief Constable  
Mr G Sutherland, Deputy Chief Constable  
Chief Superintendent L Stewart  
Chief Superintendent B Duncan  
Mrs E Ward, Force Director of Finance and Asset Management  
Mrs V MacDonald, Force Finance Manager  
Mr A Graham, Force Deputy Director of Human Resources  
Mr R MacDonald, Force Estate Manager  
Mr P Lamont, Force Head of Administration  
Mrs M Grigor, Treasurer's Office  
Ms M Morris, Clerk  
Mrs R Moir, Assistant Clerk  
Ms L Lee, Clerk's Office

Mr N M Macleod in the Chair

## 1. Apologies for Absence

An apology for absence was intimated on behalf of Mr H Wood, The Highland Council.

## 2. Presentation by Scottish Police Services Authority (SPSA)

At its meetings held on 23 April and 14 November 2008, the Board had expressed concern about the proposals by the Scottish Police Services Authority (SPSA) to close the Grampian Police Forensic Science Laboratory and transfer its work to a new facility in Dundee and had emphasised the importance of ensuring that the standard of service currently delivered to Northern Constabulary should not suffer as a result of such a move.

Mr Tom Nelson, Director of Forensic Services at the SPSA, had been invited to make a presentation to the Board on the work of the Authority. In introducing Mr Nelson, the Chief Constable reiterated the importance of Northern Constabulary continuing to receive the same high standard of Forensics service as it currently enjoyed. While acknowledging that this was no doubt the SPSA's intention, he did not feel that he could as yet give the Board his full professional reassurance on this issue. He also highlighted the perception that consultation to date on these proposals had been inadequate. He advised Members, however, that he had the previous day received correspondence from the new Convener of the SPSA intimating that the Authority intended to carry out a speedy review of the options for service provision in the North and East of Scotland and to produce a multi-options paper in March 2009, for discussion with stakeholders, including the Board. While this did not necessarily allay all the Chief Constable's concerns, it was a positive development. Had this proposal been known sooner, perhaps the invitation to Mr Nelson to attend this meeting could have been postponed.

Mr Nelson assured Members that the SPSA wished to develop and maintain a world class forensic science service and, having reviewed the physical estate inherited from the previous structures, had obtained ministerial approval to build a new facility at Dundee. He acknowledged that the consultation process employed in reaching this decision could have been improved. In light of this, the new SPSA Convener had commissioned him to produce an options paper. He himself welcomed this development and hoped it would result in a more robust and satisfactory engagement. Once the paper was completed, he would be happy to attend a further meeting with the Board to discuss its findings. The future of the Grampian laboratory would ultimately be a matter for Scottish Government Ministerial decision.

Members welcomed the proposal for further consultation, with a view to ensuring continuing or improved quality of service. As the next Board meeting was not until 13 May 2009 in Kirkwall, it was suggested that, given this timescale, it might be appropriate to invite Mr Nelson, on completion of his review, to attend a meeting of the Finance and Policy Working Group.

After discussion, the Board **AGREED** that Mr Nelson and his SPSA management colleagues be invited to attend a meeting of the Finance and Policy Working Group on completion of his options paper.

The Board also **APPROVED** the Convener's attendance at a meeting of Grampian Joint Police Board on 20 February 2009, at their invitation, where the same issue was scheduled to be a topic of discussion.

### 3. Minutes – Previous Meeting

There had been circulated and were **APPROVED** Minutes of Board Meeting of 14 November 2008.

### 4. Minutes – Complaints Working Group

There had been circulated and were **APPROVED** Minutes of Meeting of the Complaints Working Group held on 11 November 2008, subject to the complaint under reference at item 8 of those Minutes being dealt with at item 24(ii) below.

### 5. Minutes – Police Appeals Tribunal Sub-Committee

There had been circulated and were **NOTED** Minutes of Meeting of the Police Appeals Tribunal Sub-Committee held on 9 January 2009 approving the appointment of the members of a Police Appeals Tribunal that the Board was required to convene.

### 6. Revenue Budget Monitoring Statement 2008/09

There had been circulated Report No. POL1/09 comprising a statement and commentary by the Chief Constable on Revenue Expenditure and Income for the period from 1 April to 30 November 2008.

The report advised that the projected year-end underspend was £197,000, and that this was expected to increase once funding in respect of enhanced commutation pension payments was received.

The Board **NOTED** the terms of the report and **AGREED** that the underspend be transferred to the general reserves.

### 7. Transfer of ICT Budget to the SPSA

There had been circulated Report No. POL2/09 dated 13 January 2009 by the Chief Constable on the budgetary transfer to the Scottish Police Services Authority (SPSA) agreed in respect of Information & Communications Technology (ICT).

The report reminded Members of previous concerns that the establishment of a standard property transfer scheme in relation to the transfer to the SPSA of responsibility for ICT services could have led to the SPSA incurring VAT liability not previously incurred by individual forces, with a consequent reduction in best value. The preferred solution had been for Police authorities and Boards to enter into an agency agreement with the SPSA and agreement had now been reached on the appropriate level of budgetary transfer from individual Board budgets to the SPSA to enable provision of a satisfactory level of service. It had been agreed that the sum to be transferred would be based on Forces' ICT budgets for 2007/08. Having summarised the detailed figures involved, the report concluded

that, in terms of both revenue and capital, the outcome would overall be financially neutral for the Constituent Authorities and the Board, other than some revenue costs that could be absorbed within the overall Board budget.

In response to questions, the Chief Constable confirmed that the Force would require to be vigilant to ensure no reduction in service levels and to maintain the flexibility needed to meet local ICT requirements. It was vital that Northern's priorities not be neglected in light of the demands of other Forces.

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

## **8. Minutes – Finance and Policy Working Group – Budget 2009/10**

There had been circulated Minutes of Meeting of the Finance and Policy Working Group held on 9 January 2008, together with (a) Report No. F&P1/09 dated 22 December 2008 by the Chief Constable setting out the draft revenue budget for 2009/10, with the amended Appendix 2 as tabled at the Working Group meeting, and (b) Report No. F&P2/09 dated 23 December 2008 by the Treasurer on the payment of police capital grant in 2009/10, both reports having previously been considered by the Working Group at its 9 January meeting.

The Chief Constable advised Members that he and the Convener had discussed the budget proposals with each of the Constituent Authorities, who were broadly content. He pointed out that benefits were still being realised from the cash efficiencies achieved as a result of the Force Review. He was confident that 770 police officers would be in place by the end of March 2009, and that numbers would rise to 800 by 2010.

In response to questions, he confirmed that the costs, including pensions costs, of new officers recruited under the Scottish Government's Additional Policing Capacity Project were being met by the Government. He was optimistic that their funding would be mainstreamed and thus continued beyond the end of the current 3-year Comprehensive Spending Review period. He confirmed that discussions were ongoing on the possible transfer to Government of responsibility for police pensions funding generally, perhaps on a top-slicing basis, and that updates on progress on this would be brought to the Board.

After discussion, as recommended by the Working Group, the Board **APPROVED**:

- i. the circulated revenue budget for 2009/10;
- ii. the method of calculating the police grant to be charged to the Constituent Authorities, as described in the table at paragraph 7 of the circulated Report No. F&P2/09; and
- iii. a police capital grant budget for 2009/10 of £1.411m.

## **9. Capital Expenditure Monitoring Statement 2008/09**

There had been circulated and was **NOTED** Report No. POL3/09 dated 14 January 2009 comprising a statement and commentary by the Chief Constable on Capital Expenditure for the period from 1 April to 30 November 2008.

## **10. Estate Management Report**

There had been circulated and was **NOTED** Report No. POL4/09 dated 13 January 2009 by the Chief Constable providing an overview of the Capital Projects Programme.

## **11. Procurement Report**

There had been circulated and was **NOTED** Report No. POL5/09 dated 14 January 2009 by the Chief Constable on recent procurement activity.

## **12. Single Outcome Agreements**

At its meeting held on 14 November 2008, the Board had agreed that the issue of Single Outcome Agreements (SOAs) be a standing item on future agendas, to enable the Board to monitor progress.

There had been circulated Report No. POL13/09 dated 16 January 2009 by the Chief Constable advising Members of the Board of the new timescales for reporting SOA (current Single Outcome Agreements) and SOA2 (new Single Outcome Agreements).

Members were advised that a meeting of the Highland Community Planning Partnership Performance Board had been held earlier that week and that its Minutes would be brought to the Board's next meeting, together with a report by the Chief Constable.

The Board **NOTED** the position.

## **13. Force Service Point Strategy**

At its meeting held on 14 November 2008, the Board had noted an update by the Chief Constable on progress on the development of a Service Point Strategy for the Force Area, on which local consultation was ongoing at that time.

There had been circulated Report No. POL6/09 dated 14 January 2009 by the Chief Constable on the initial Force Service Point Strategy document, as appended to the report.

The purpose of the Strategy was stated as being to provide and maintain traditional policing services throughout the Highlands and Islands, through a locally accessible, accountable, responsive and visible approach in the communities it served, taking a consultative and problem-solving approach with local partners.

The Strategy sought to support the maintenance of community engagement and accessibility of services for all communities, particularly in some of the more rural, remote or isolated areas. To that end, the Force had examined its operational requirements and its presence in these areas, with a view to affording the public clear information on the opportunities and methods available to them to access non-critical policing services, maintain lines of communication with the Force, and secure face to face interaction with local officers or police staff as required. Such

availability required to be balanced, however, against the daily requirements for direct policing services and the ability to provide an appropriate response to actual demand throughout the Force area.

It was emphasised that this Strategy, and any arrangements published in connection with it, did not affect the permanent availability of emergency and critical policing services to any person across the Force area at any time.

During discussion, the Strategy was generally welcomed. In response to a question, it was clarified that the Scottish Government was still examining the potential for introducing a single national non-emergency police telephone number, but that technical issues remained to be overcome.

The Board **NOTED** the position and that the Service Point Strategy arrangements would be formally reviewed in six months and then one year's time, with the results of the reviews being brought to the Board.

#### **14. Corporate Operational Shift Pattern Revision**

At its meeting held on 14 November 2008, the Board had noted that a presentation on the new corporate operational shift system would be given to a future meeting of the Board.

Sergeant Fiona Wemyss, Force Resource Management Co-ordinator, gave a presentation to Members on the new system, highlighting the operational requirements to be met, the research undertaken, the range of communities to be served, the shift pattern devised, the welfare benefits for officers, the management benefits - such as improved cover at peak activity times - and the ongoing need for managerial input, to optimise the use of the new system.

Members generally welcomed the new system. Sergeant Wemyss responded to a number of specific questions on details and the Chief Constable pointed out that the recent increase in officer numbers had provided a sufficient degree of flexibility to allow the new shift pattern to be introduced.

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

#### **15. Public Sector Equality Duties**

##### **i. Northern Joint Police Board**

At its meeting held on 14 November 2008, the Board had delegated powers to the Clerk, in consultation with those Members appointed to sit on the Force's Diversity Group, to finalise and publish (a) the Board's revised Race Equality Scheme by the due date of 30 November 2008 and (b) the Board's annual report in relation to the Disability Equality Duty by the due date of 4 December 2008.

Members **NOTED** that both documents had been published by their due dates on the Board's web pages and that copies could be obtained from the Clerk's office.

## ii. Northern Constabulary

There had been circulated and was **NOTED** Report No. POL7/09 dated 14 January 2009 by the Chief Constable introducing his annual report in relation to the Disability Equality Duty, also duly published, as appended to the report.

## 16. Review of Discretionary Policies under the Local Government Pension Scheme

There had been circulated Report No. POL8/09 by the Treasurer dated 15 January 2009 reviewing the Board's discretionary policies under the Local Government Pension Scheme.

Members were advised that the Discretionary Payments Regulations had initially been set up in 1998 and were reviewed every five years. The last review had taken place in 2004 and thus a full review was scheduled for 2009.

The Board **AGREED**:

- i. the recommendations contained in Appendix 1 of the report; and
- ii. to retain an "opt out" provision allowing reconsideration of any discretionary policy if the special circumstances of an individual case merited it.

The Board also **NOTED** the content of the policies contained in Appendix 2 of the report and that all policies would be reviewed in 2014.

## 17. Freedom of Information (Scotland) Act 2002: Implementation

There had been circulated Report No. POL14/09 dated 16 January 2009 by the Chief Constable providing Members with an update on the ongoing business arising from the Force's administration of requests made for information under the Freedom of Information (FOI) legislation.

In speaking to the report, the Chief Constable indicated that it understated the true position in relation to the costs involved, for example, in terms of lost management time. He confirmed that Northern Constabulary's statistics were comparable to those of other Forces, although in this Force area a higher proportion of the requests appeared to come from the media.

The Board **NOTED** the position.

## 18. Chief Constable's Periodic Report

There had been circulated Report No. POL9/09 by the Chief Constable dated 15 January 2009 comprising his periodic report and covering Crime and Road Accident Statistics and the Crime Situation.

The Deputy Chief Constable highlighted the main features of the report and drew attention to further very recent drugs detection successes.

During discussion, attention was drawn to a Sutherland project seeking to address the behaviour of young drivers, particularly in light of recent road

fatalities among that age group. It was recognised that the sharing of information and experience between similar groups across the Force area would be a positive development and the Deputy Chief Constable confirmed that the Force Road Safety Officer could offer advice and assistance to such projects. It was also confirmed that new legislation had introduced the possibility of issuing Anti-Social Behaviour Orders in relation to inappropriate driving behaviour.

In response to a question, Members were advised that effective roadside equipment for the detection of driving under the influence of drugs, mirroring the use of the breathalyser in relation to drinking and driving, was not yet available. Instead, it was necessary to carry out field impairment tests, whose administration required special training.

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

#### **19. Letters of Appreciation**

There had been tabled and were **NOTED** 47 letters of appreciation received by the Chief Constable for the period from 1 October to 30 December 2008. There had also been circulated and was **NOTED** Report No. POL10/09 dated 8 January 2009 by the Chief Constable illustrating letters of appreciation.

#### **20. 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.

#### **21. Complaints against the Police**

There had been circulated and was **NOTED** Report No. POL11/09 dated 8 January 2009 by the Chief Constable regarding complaints against Police Officers from 1 October to 30 December 2008.

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.

#### **22. Execution of Deeds**

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

#### **23. 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 item on the grounds that it involved the likely disclosure of exempt information as defined in Part I of Schedule 7A of the Act, the relevant paragraph being shown.

## 24. Complaints Involving Senior Officers

### Paragraph 1

There had been circulated to Members only Minutes of Meeting of the Complaints Working Group of 9 January 2009.

#### i. Report by Investigating Officer (item 2)

At its meeting held on 29 August 2008, the Board had agreed to appoint an investigating officer to investigate a complaint involving a senior officer in terms of the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999.

There had been circulated to Members only Report No CWG1/09 dated 22 December 2008 by the Clerk, previously considered by the Complaints Working Group at its meeting on 9 January, together with Executive Summary of the Investigating Officer's report.

The Board **AGREED** the Working Group's recommendations that the complaint was unfounded.

#### ii. Complaint Involving Senior Officer (item 3)

There had been circulated to Members only Report No CWG2/09 dated 22 December 2008 by the Clerk, previously considered by the Complaints Working Group at its meeting on 9 January, together with, as Appendix 2 to that report, earlier Report No CWG17/08 by the Clerk, previously considered by the Complaints Working Group on 11 November 2008, both relating to a complaint received referring to a senior officer.

There had also been circulated to Members only Report No POL12/09 by the Clerk comprising a draft letter of response to the complainer reflecting the views of the Working Group, as agreed at that meeting.

The Board was advised that further correspondence had been received from the complainant, subsequent to the meeting of the Working Group.

The Board **AGREED** to refer this matter back to the Working Group for consideration of this new material, prior to a decision on this matter by the Board.

The meeting ended at 12.25 p.m.