

SCOTTISH POLICE
AUTHORITY
AUTHORITY MEETING
26 May 2021

Minute of the SPA Authority Meeting held on Wednesday, 26 May
2021 via Video-conference

Board Members Present: Martyn Evans (Chair)
Robert Black (Items 3-12)
Paul Edie
Tom Halpin (Items 3-12)
Alasdair Hay
Katharina Kasper
Grant Macrae
Fiona McQueen
Michelle Miller
Mary Pitcaithly
Jane Ryder
Catriona Stewart
Caroline Stuart

In attendance: Police Scotland
Chief Constable Iain Livingstone
Deputy Chief Constable Malcolm Graham
Deputy Chief Constable Will Kerr
Deputy Chief Officer David Page
Assistant Chief Constable John Hawkins (Item 11)
Assistant Chief Constable Bernie Higgins (Item 12)
James Gray, Chief Financial Officer
Andrew Hendry, Chief Digital and Information Officer

Scottish Police Authority (SPA)
Lynn Brown, Chief Executive Officer
Chris Brown, Deputy Chief Executive, Resources
Barry Sillers, Deputy Chief Executive, Strategy and
Performance

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Independent Advisory Group on Police Use of Temporary Powers Related to the Coronavirus Crisis
John Scott QC

SPA Secretariat
Eleanor Gaw, Governance and External Relations Lead
Karen Vallance, Governance Support Officer

1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed all Authority Members and representatives from the Police Scotland senior leadership team. He confirmed Jane Ryder would chair the meeting if he were disconnected from the video-conference.

The Authority **RESOLVED** to:

- **NOTE** no Member apologies;
- **NOTE** no declarations of interest;
- **NOTE** no other business;
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 13 - 14 in private for the reasons set out on the agenda.

2. MINUTES AND ACTIONS FROM PREVIOUS MEETING

The Authority **RESOLVED** to:

- **ADOPT** the minute of the 24 March 2021;
- **NOTE** the action log and that there were no matters arising.
- **NOTE** a decision was made, via correspondence, to confirm membership of Committee and Oversight Groups.
- **NOTE** a decision was made, via correspondence, to amend the Board Minutes from September and November 2020. The amendments were to correct attendees of each meeting.

3. SPA CHAIR'S REPORT

The Chair referred to his report, highlighting his intention to appoint a Vice Chair. Mary Pitcaithly proposed Jane Ryder (JRyder), and Caroline Stuart (CStuart) seconded. JRyder thanked Members for the appointment.

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The Chair highlighted that Committee and Oversight Group Chairs' reports had been appended to his report to allow for greater focus on this work. He noted that the reports reflect the depth and breadth of work undertaken by Committee and Oversight Groups. Members considered the reports which provided an update on business progressed since the last Authority meeting through the:

- Policing of Cop26 Oversight Group
- Forensic Services Committee
- Audit and Risk Committee
- Resources Committee
- Complaints and Conduct Committee
- Legal Committee

Members noted the appended letter from John Scott QC (JScott) and the Chair invited his input during the Chief Constable's Report.

The Board **RESOLVED** to:

- **NOTE** the reports;
- **AGREE** the appointment of Jane Ryder as Vice Chair.

4. CHIEF CONSTABLE'S REPORT

Chief Constable Iain Livingstone (CCLivingstone) provided a detailed summary of the paper. In addition to the information provided in the paper, he highlighted the following additional points:

- CCLivingstone welcomed new Members and highlighted the engagement session held in April between Members and Police Scotland which allowed initial introductions and the opportunity to share information.
- CCLivingstone provided operational updates relating to several murder investigations and serious crime investigations.
- CCLivingstone highlighted that the policing approach during the pandemic was underpinned by the consent of the public, a commitment to uphold and enable human rights, to ensure the rule of law and ensure people do the right thing during a national crisis.
- CCLivingstone noted that over the previous 15 months, due to a variety of issues, people have sought to protest over legislative concerns, and Police Scotland have asked people to make their voices heard in a manner that does not put people at risk.

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CCLivingstone stated that people should not be participating in mass gatherings and that message has been repeated by Police Scotland and other public bodies. Where gatherings have occurred, Police Scotland have taken a proportionate approach that protects people and minimises community disruption.

- Regarding the events at George Square, Glasgow, on 15 May, CCLivingstone advised that a dedicated enquiry team had been established to identify those responsible for violence and criminal activity and a public portal had been set up to allow the public to share information.
- CCLivingstone stated that policing will not discriminate between gatherings based solely on the cause behind it. He referred to the contents of the letter from JScott, highlighting the conclusion that the policing response to the events on 13 and 15 May was consistent with human rights considerations. CCLivingstone voiced his advocacy of the principle of the operational independence of policing as a key principle in a democratic society. CCLivingstone stated he welcomed the scrutiny, oversight and accountability of the force as it provides the opportunity for people to see Police Scotland's values and commitments, which he hoped would encourage support and challenge.
- CCLivingstone's personal assessment was that the response to events on 13 and 15 May were proportionate, and he fully supported the actions of the officers who made appropriate operational decisions. CCLivingstone thanked the officers and staff involved in the policing operations and condemned any violence and abuse against officers.
- CCLivingstone noted he was pleased that Scottish Government supported his assault pledge and called on the public and those in leadership roles to condemn attacks against police officers.
- CCLivingstone confirmed 500 armed officers would be equipped with body worn video during COP 26, and public consultation on the wider roll out will soon commence. CCLivingstone reinforced that the approach to policing COP 26 will be underpinned by the principle of policing by consent, by the rule of law and by a commitment to uphold and enable human rights.

In discussion the following matters were raised:

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- Members shared concerns regarding the health, safety and wellbeing of officers and staff, and agreed that any assault or threat to health is unacceptable.
- Members sought further information on what support is given to officers injured and the long term support to those involved in traumatic situations. CCLivingstone highlighted Police Scotland are looking to encourage an organisational culture where officers and staff understand that experiencing violence and assault is not part of the job, and that officers and staff can come forward to seek assistance. Members were informed of the strong internal assistance programme for physical and psychological health, led by DCC Taylor.
- Members were assured that there was no undue political influence during the events on 13 and 15 May 2021.
- Members sought information on whether different tactical options would be available during COP 26, and what learning was taken from previous events. Members were informed tactics, operational tools and resources available for COP 26 will be the same but on a different scale. Members were assured that learning and key principles are taken from all events to inform the approach taken for future events, including communication and engagement.
- Members heard SPA and Police Scotland were co-hosting an engagement event in September to ensure an open, transparent discussion with interest groups on policing and protesting during COP 26. It was noted that discussion outcomes would be fed back to members.
- Members heard from JScott who confirmed events in Glasgow on 13 and 15 May fell within the remit of the Independent Advisory Group (IAG) with regard to the use of extraordinary powers relating to coronavirus. The IAG thought it would be artificial to consider those events only in relation to the use of powers as the group has expertise in human rights. The IAG had noted there had been much media and political discussion with a great detail of misunderstanding, specific to human rights. The group had discussed unhelpful narratives including individuals projecting their own bias onto the policing of activities, comparison of events and potential pressure on the operational independence of police. JScott noted that policing has responsibility for the rule of law but it requires operational independence and operational accountability.

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He added politicians should be able to offer criticism but it should be responsible and well informed.

- Members sought further comment from JScott regarding his criticism of communication during the event on 13 May. JScott advised that the IAG heard a detailed account of concerns that there was a massive police presence based on the large number of police cars and vans in attendance. The IAG were informed the number of vehicles was due to the Covid-19 restrictions on the number of persons per vehicle, which provided an inaccurate impression of the police numbers involved. The IAG advised there would be benefit of having more detailed communications in response to concerns which were being raised.
- Members were informed 129 officers were injured during the week ending 15 May, with 47 of those injuries occurring on 15 May.
- CCLivingstone reflected on events from 13 May, noting that the policing approach was to facilitate safety and ensure other offences are not carried out. CCLivingstone stated that the due process undertaken by immigration officials would continue, but the circumstances were such that Police Scotland had to ensure the safety of all involved which took precedence.
- CCLivingstone advised Members he believed the events of 15 May demonstrated good communication from Police Scotland through a number of channels. CCLivingstone acknowledged social media narratives can grow quickly but there is a role for policing to put forward an authoritative statement which will work best if done in association with community figures. CCLivingstone reflected on the incident in West George Street in 2020 and the number of inaccurate assertions that came from respected media outlets. CCLivingstone confirmed Police Scotland will only communicate once the true facts are known.
- The Chair concluded that the independence of the Chief Constable and every constable is the cornerstone of policing in a democracy. Scottish civil and civic society, as well as the Authority, has to actively promote and guard that independence. The Chair noted that independence does not mean autonomy and Police Scotland is held to account in multiple ways. The checks and balances in the system are more extensive, more rigorous and more willingly entered into than anywhere else in the UK. The Chair reflected on the comments from JScott that operational independence may be

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an important anchor in a period of increasing identity politics and Scotland's unsettled identity politics. The Chair noted Police Scotland champions human rights which are not awarded on the basis of popularity or populism, and not selected or deselected according to the preference of the observer. The Chair noted the view of the IAG that there was no evidence of bias in operational decisions in Glasgow on 13 and 15 May and policing was informed by and consistent with human rights principles.

The Authority **RESOLVED** to:

- **NOTE** the update.
- **AGREE** the following action:

Members to be briefed on outcome of discussions held at roundtable event in September regarding policing and protesting COP 26.

260521-SPABM-01

5. SPA CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities carried out by the Chief Executive and the Executive Team since the previous Authority Meeting. Lynn Brown (LBrown) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members noted that SPA Oversight of body worn videos, specifically around human rights and privacy, was an area the SPA had been challenged on, and oversight work is reported to the Policing Performance Committee.
- DCC Kerr acknowledged Police Scotland had been behind the curve with body worn video and that engagement with the public is important. He confirmed there would be a detailed programme implementation plan and that, together with the Chair, they had co-convened a meeting with scrutiny conveners where body worn video was discussed. The Chair confirmed he had raised the delay in technological advancement due to lack of investment with Scottish Government. He confirmed the timing of the technology introduction will be a significant focus of the Policing Performance Committee.

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- Members heard that most organisations approached for the Seldom Heard Voices research are third sector. These organisations will put forward proposals for research, exceeding no more than 12 months, which will enable the SPA to improve oversight.
- Members were informed that the Senior Leadership Programme “Your Leadership Matters” is led by DCC Fiona Taylor in collaboration with Ernst and Young, who have a proven track record in the area following previous work the MET. CCLivingstone offered to bring a fuller programme update to a future meeting.

The Authority **RESOLVED** to:

- **NOTE** the report

6. SCOTTISH ANNUAL BUSINESS PLAN 2021/22

Members considered the report which sought approval for the SPA Annual Business Plan for 2021/22. LBrown highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members welcomed the scope of the plan, the alignment with the corporate plan, the breadth of objectives and the scale of the expectation.
- Members requested further work is undertaken to detail the milestones towards implementation and measures of success prior to reporting to the Audit and Risk Committee.

The Authority **RESOLVED** to:

- **APPROVE** the SPA Annual Business Plan 2021/22.
- **AGREE** the following action:

Further work is undertaken to detail the milestones towards implementation and measures of success prior to reporting to the Audit and Risk Committee.

260521-SPABM-02

7. POLICE SCOTLAND SCHEME OF FINANCIAL DELEGATION

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Members considered the paper which sought approval to the proposed amendments to the Police Scotland Scheme of Delegation. James Gray (JGray) highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were informed the Resources Committee recommended the paper for approval.
- JGray committed to an interim review in 12 months to determine how it is working and confirm whether there is requirement for it to be formally reviewed earlier.

The Authority **RESOLVED** to:

- **APPROVE** the proposed amendments to the Police Scotland Scheme of Delegation.

8. FLEET CAPITAL HOMOLOGATION

Members considered the paper which provided homologation of a contract award decision which was made immediately following the reallocation of capital funding, and the requirement to award contracts in order to allow for delivery of the vehicles prior to the end of the financial year 2020/21. JGray highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were informed the Resources Committee recommended the paper for approval.
- Members heard more cars have been purchased compared with previous years and by the end of the financial year more than a third of the fleet will be electric.

The Authority **RESOLVED** to:

- **APPROVE** the homologation of a contract award decision which was made immediately following the reallocation of capital funding and the requirement to award contracts in, order to allow for delivery of the vehicles prior to the end of the financial year 2020/21.

9. 2020/21 FINANCIAL PERFORMANCE INDICATIVE OUTTURN

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Members considered the paper which provided an update on the provisional 202/21 financial out turn. JGray highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were informed the Resources Committee considered the paper in detail and the final provision would be brought to the next Resources Committee and the Authority thereafter.
- Members were advised a more detailed analysis had taken place since the report was submitted which had identified no concerns.
- Members noted the reporting was in line with the expectation of the Annual Report and Accounts.

The Authority **RESOLVED** to:

- **NOTE** the report

10. FORENSIC SERVICES PERFORMANCE REPORT Q4

Members considered the paper which provided the Forensic Services Quarter 4 performance report. Tom Nelson highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were advised a team had been established within Forensic Services to carry out cold case reviews. Full assessments are completed in collaboration with Police Scotland and the Crown Office to identify future opportunities.
- Members were informed that physical distancing within the laboratory space was still a challenge, however staff have adapted how they work to maximise time. An internal group has been set up to look further at working arrangements as Covid-19 restrictions lift.
- Members heard how Forensic Services are delivering against the Forensic Services 2026 strategy, and a paper detailing progress will be presented to the next Forensic Services Committee.
- Members were advised the target for scenes attended within 24hrs of request was 90%, however that had been a challenge during the pandemic due to Covid related restrictions.
- Members were advised the majority of targets related to having cases ready for the Crown Office are met, however, there is a back log within the Crown Office due to Covid-19. Work is ongoing to

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determine whether evidence can be provided remotely. Tom Halpin (THalpin), Forensic Services Committee Chair, noted the Committee take assurance from the ongoing conversations between Forensic Services, Police Scotland and the Crown Office.

The Authority **RESOLVED** to:

- **NOTE** the report

11. PRELIMINARY MENTAL HEALTH PATHWAY EVALUATION

Members considered the paper which provided an update following the completion of the preliminary evaluation of the Mental Health Pathway led by NHS24, and undertaken jointly with Police Scotland and supported by the Scottish Ambulance Service. ACC John Hawkins (ACCHawkins) highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members praised the report results, noting the positive difference it will make to call centres.
- Members heard there was a commitment across all partners to carry out evaluation of effectiveness and the joint strategic oversight board will progress that work.
- Members were assured there were no geographical constraints experienced by partners however there had been some Covid-19 implications such as physical distancing within control rooms.
- Members heard information on the projects stemmed from the new modernised contact and engagement programme which will look to address technological and data sharing risks, as well as the vulnerable person database.
- Members were informed the Health and Justice collaborative group, which sponsors the work, has been paused during the pandemic, therefore discussions on funding are still ongoing.
- Members were informed Police Scotland retain accountability for the 3% of calls not successfully transferred. A temporary fix has been identified for transferring calls without security issues, however an expected technical upgrade will provide a permanent fix.
- Members agreed Mental Health Pathway was a strategic issue for the Authority due to the impact on the availability of officers.
- Members commended the approach of building a service focused on people and requested further discussions take place with mental

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health groups within wider civil society to encourage groups to become champions.

- The Chair congratulated Police Scotland on the review and encouraged the Chief Executive to ensure Committees are sighted on further progress.

The Authority **RESOLVED** to:

- **NOTE** the report

12. 26th CONFERENCE OF THE PARTIES (COP 26)

Members considered the paper which provided an update on policing planning for COP 26. DCC Will Kerr highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

Members acknowledged the complexities of planning for the event.

- Members were informed Atalian Servest Security had secured the contract to provide private security at COP 26 and G7. Police Scotland had met with senior directors during a site visit and held positive discussions regarding support, capacity and capability.
- Members heard that during COP 26 there will be a multi-agency coordination centre which include representatives from policing, other emergency services, military, and Scottish and UK Government who have responsibility for delivering the event. While the police role is to coordinate the response, there is a draft MOU which confirms that Police Scotland will take operational command of all assets should there be an emergency situation.
- Members were advised that the HMICS assurance report is expected in June.
- Members were informed of the status of recommendations from the MET assurance review, noting that of the 110 recommendations, 19 have been referred to other agencies. 48 have been discharged and 38 are in progress, however some will not be discharged until event has concluded. 5 recommendations were not accepted and rationale was provided to the MET.
- Members noted JRyder and THaplin were provided full access to the MET assurance review and the Police Scotland response, and conveyed thanks to Police Scotland for facilitating.

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- Members were informed any unanticipated events throughout the UK during the event would impact mutual aid, however all forces have resilience plans in place. Members were informed that any resource brought to Scotland through mutual aid provision acts on the direction and authority of the Chief Constable. Members were assured that mutual aid will be sought if required to maintain business as usual.
- Members were advised that anticipated post event litigation was a matter for UK and Scottish Government. Any financial implications of litigation will be covered within Operation Urram costs and will not impact on the police budget.
- Members heard detail on the resilience within the command structure during the event.
- THalpin confirmed the SPA Oversight Groups Terms of Reference are robust, and noted the round table event planned for September to discuss policing protests. THalpin highlighted Police Scotland have implemented an advisory group to provide a broader view of planning implications, and confirmed HMICS are not undertaking the same review as the MET but are instead looking at the MET review methodology and business as usual.
- Members were informed ACCHawkins was leading coordination on business as usual and work continued with UK and Scottish Government to ensure appropriate planning for reserved matters and devolved matters.
- CCLivingstone committed an openness to sharing sensitive matters in a controlled manner with the Authority to ensure robustness and accountability.
- The Chair thanked colleagues for the mutual trust shown between SPA and Police Scotland and confirmed the Chief Executive is engaged in discussions regarding post event litigation which remains a significant issue of risk.

The Authority **RESOLVED** to:

- **NOTE** the report