

Meeting 14 August 2020 13:00 – 15:00

Members attending:

John Scott QC, Solicitor Advocate (Chair)

Bruce Adamson, CYPCS

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

Chief Superintendent David Duncan, Police Scotland

Martyn Evans, SPA Board Member

Gill Imery, HM Chief Inspector of Constabulary in Scotland (HMICS)

DCC Will Kerr, Police Scotland

John Logue, Deputy Crown Agent Operational Support, COPFS

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Professor Susan McVie, Edinburgh University

Diego Quiroz, Scottish Human Rights Commission

Brian Scott, Glasgow Disability Alliance

Dr Catriona Stewart, SWAN Scotland

Apologies:

Aamer Anwar, Solicitor and Human Rights campaigner

Tressa Burke, CEO Glasgow Disability Alliance

Maria Galli, CYPCS

Dr Elizabeth Kelly, NHS Scotland and Associate Carnegie UK Trust

Susan Kemp, Scottish Human Rights Commission

ACC Gary Ritchie, Police Scotland

In attendance:

Chief Superintendent George Macdonald, Police Scotland

Secretariat support:

Eleanor Gaw, SPA Community Accountability

Fiona Miller, SPA Community Accountability

Jennifer Blackwood, SPA Communications and Relationships

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1. Welcome and introductions

The Chair welcomed members to the meeting, and introduced Chief Superintendent George Macdonald, Divisional Commander for the North East, joining the meeting for item 2.

The Chair also advised members that Martin Hayward EHRC would be joining the meeting at 2pm.

2. Local Policing Update: Focus on Aberdeen and policing local lockdown

DCC Will Kerr and Chief Superintendent George Macdonald, Divisional Commander North East.

DCC Kerr outlined the importance of a consistent approach for policing, in a fast moving landscape. Officers maintain the 4E's approach, and it was noted that for more serious infringements it may necessary to progress through the 4 E's more quickly. Local lockdown situations may in future become a more regular feature of life, recent legislation had left little time for consultation, and DCC Kerr would be interested in the group's feedback on Police Scotland's supporting communication and messaging and how the service has responded. He also highlighted the context in the north east, with the very recent rail tragedy and joint emergency response.

CS Macdonald briefed members on the situation in Aberdeen, where local lockdown measures were introduced on 5 August. The lockdown measures only apply to Aberdeen City, but impact the wider north east population as people regularly travel across local authority boundaries for work and leisure.

The recent outbreak has been principally linked to the night-time economy, and, in Mr Macdonald's view, some of the recent press coverage has perhaps been misleading. There has been significant engagement between police and the licensed trade to manage related pressures and queuing processes. However over one weekend, a major football match took place locally, the FA Cup Final was televised, it was pay day for many, and there was very warm weather - all resulting in significant additional pressure, and creating a very difficult environment for the licensed trade to ensure adherence to social distancing measures.

Most licensed premises closed well before the cut off period. Local partnership arrangements and co-operation have worked extremely well. There have been exceptionally high levels of public compliance and self-policing, and Mr Macdonald reported that, overall, the response has been exemplary.

People have often chosen to exceed what has been asked of them in terms of restricting their activities, and returning to "Phase One" behaviours, across not just Aberdeen city but across Aberdeenshire too. The Chair indicated he will reflect this in reporting to the SPA board.

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Calls to the Police Scotland contact centre linked to any breach in regulations have remained low and are comparable with figures across Scotland for the period.

Police Scotland have provided additional officers from the flexible resource unit to support North East division, to assist in service visibility and ensure all services are maintained while these additional restrictions are in place.

The local police team are working with Police Scotland Strategy and Insight team to plan future assessment work on any impact from the local lockdown on public confidence. Related work and the promotion of the Your Police Survey will take place at a later date. CS Macdonald indicated that he would be happy to promote the IAG's public portal in the same communication to local stakeholders and members of the public.

Action: J. Blackwood will liaise with Police Scotland on supporting communications.

CS Macdonald indicated that North East division now has a substantial amount of information and knowledge about the challenges of reintroducing lockdown, and will share good and effective practice with colleagues across Scotland to inform future approaches.

Prior booking at premises may assist in queue management by encouraging less movement between premises. It was noted that any related enforcement of data management protocols would be a matter for the Information Commissioner rather than policing.

The local lock down regulations mostly apply to local premises, but the local guidance in place has much wider application. There was a wider discussion about contingency planning and late stage legislation, the balance between regulation, restriction, and the use of guidance, and the scope to consider potential legislative options ahead of time in dealing with local virus outbreaks.

The Chair thanked Chief Superintendent Macdonald for his attendance and contribution.

The group discussed the importance of policing being seen to be fair and acting in a proportionate manner, and the rules applying equally to everyone, when the vast majority of people are complying with what is asked of them. High profile incidents and an FPN issued to a footballer were noted, as very visible action in response to clear breaches of the regulations.

Concerns were raised about the scope for confusion caused by changing and complex regulations and guidance, particularly with reference to children and young people. Different restrictions apply depending on age, venue, the local area, and also regulations change. These factors are potential barriers for young people in understanding what rules and guidance apply, and in adhering to the rules and guidance.

Overall, members were supportive of Police Scotland's approach, and considered that the service is getting it right in delivering a proportionate response.

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3. Note of the previous meeting and matters arising

- The Chair briefed members that he will reflect the group's recent discussions on the legislative process in his report to the SPA Board and in discussion with the Cabinet Secretary, rather than in correspondence.
- IAG/SPA Webinar. Jennifer has completed the work to chunk and tweet sections from webinar event, and has shared with members so they can retweet and promote the livestream coverage.

4. Data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland.

Professor McVie indicated that her most recent report, circulated to members ahead of the meeting, is being further refined following the most recent OpTICAL discussions.

The report is based on data from the period 27 March to 31 May 2020, and Professor McVie outlined its key findings.

The disproportionate impact of the pandemic on those already experiencing deprivation was particularly noted.

Members welcomed the comprehensive report and analysis. The very significant amount of work undertaken by Police Scotland to provide the supporting data, and by Professor McVie in analysis and reporting, were recorded.

Members were asked to provide feedback to Professor McVie by the evening of Sunday 16th August, to inform revisions ahead of presentation to the SPA Board.

5. Report to the SPA Board 19th August

Members were asked to provide any final feedback on the Chair's draft report to over the course of the weekend.

6. AOCB

- SPA Survey. Martyn Evans briefed the group on preparations for a third wave of the SPA survey on public confidence in policing during the pandemic. The SPA is particularly interested in gathering responses from groups of people who have to date been under-represented in responses to date, particularly disabled people. IAG members and EHRC are invited to offer any additional questions for inclusion, via Martyn Evans/ Chair/ Secretariat.
Action: IAG Members
Gill Imery indicated that scope for the SPA and Police Scotland to liaise more closely on public survey work will be reflected in HMICS evidence to the Justice Sub-Committee.
- Justice Sub Committee on Policing, consideration of policing during the coronavirus pandemic.

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27 August, Police Scotland and HMICS will attend.

29 October, the Chair and Professor McVie will attend.

7. Date of next meeting.

Friday 21 August 13:00 – 15:00

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