



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Justice Sub-Committee on Policing

**Thursday 12 March 2020**

**Session 5**



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**JUSTICE SUB-COMMITTEE ON POLICING**

**5<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*John Finnie (Highlands and Islands) (Green)

**DEPUTY CONVENER**

\*Margaret Mitchell (Central Scotland) (Con)

**COMMITTEE MEMBERS**

\*James Kelly (Glasgow) (Lab)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Liam McArthur (Orkney Islands) (LD)

\*Shona Robison (Dundee City East) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

James Gray (Police Scotland)

Assistant Chief Constable Bernie Higgins (Police Scotland)

**CLERK TO THE COMMITTEE**

Diane Barr

**LOCATION**

The David Livingstone Room (CR6)



**Scottish Parliament**  
**Justice Sub-Committee on**  
**Policing**

*Thursday 12 March 2020*

*[The Convener opened the meeting at 13:02]*

**Interests**

**The Convener (John Finnie):** Feasgar math, a h-uile duine, agus fàilte. Good afternoon, everyone, and welcome to the Justice Sub-Committee on Policing's fifth meeting in 2020. We have received no apologies.

Agenda item 1 is a declaration of interests. I welcome Shona Robison as a member of the sub-committee and ask her to declare any relevant interests.

**Shona Robison (Dundee City East) (SNP):** I have nothing to declare.

**Decision on Taking Business in**  
**Private**

13:02

**The Convener:** Agenda item 2 is to decide whether to take in private agenda item 4, under which we will consider our forward work programme. Do members agree to take agenda item 4 in private?

**Members** *indicated agreement.*

## 26th Conference of the Parties Climate Summit

13:02

**The Convener:** Agenda item 3 is an evidence session on the police preparations for the United Nations Framework Convention on Climate Change 26th conference of the parties—COP26.

I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

I welcome our witnesses: Assistant Chief Constable Bernie Higgins—the agenda has “Conference of the Parties 26” after his name—and James Gray, who is the chief financial officer of Police Scotland.

I will kick off the questions. Assistant Chief Constable Higgins, the chief constable has stated that, with regard to policing, COP26 will be the most significant event that Scotland has ever hosted. Can you provide a general overview of the magnitude of the event, please?

**Assistant Chief Constable Bernie Higgins (Police Scotland):** Good afternoon, convener and members.

On the magnitude of the event, there is a conference of the parties every year but, every fifth year, there is what is called a full-on event, in which the aim is to maximise the number of heads of state who attend.

The venue is the Scottish Event Campus in Glasgow. This year, the event will run from 9 to 20 November. The ambition of the United Kingdom Government, which is hosting the event on behalf of the United Nations, is to secure the attendance of as many heads of state as possible. To put that into perspective, there are 193 member states of the United Nations and a number of other observer states. They will all be invited, and one of the planning assumptions that we are working towards is the anticipation that somewhere between 130 and 150 heads of state will attend. To put that into context, at the NATO event down south just before Christmas, there were about 32 heads of state. That event took place over two or three days. COP26 will, in effect, operate for three weeks, if we include the period to build the campus and the two weeks of negotiations, and if we take into account the number of delegates who will attend, the potential for up to 130 heads of state to attend, and the complexities that that involves.

As many members will be aware, I have been involved in a number of major events throughout my career in policing—the Commonwealth games, the Ryder cup and the Scottish independence

referendum, to name but a few. In my professional opinion, COP26 is the largest operation that I have undertaken to plan and deliver.

**The Convener:** That is very helpful. There will be a range of questions.

**Margaret Mitchell (Central Scotland) (Con):** I will focus on the conference site, which is to be known as the blue zone and will be under the control of the UN. Will you elaborate on how that will work in practice?

**Assistant Chief Constable Higgins:** There was some miscommunication, but we have now received clarification. The United Nations will take control of the campus on the Sunday morning before the conference starts on 9 November. Within that area is a designated area called the blue zone, which will be under United Nations control and will be patrolled by United Nations security guards. Initially, it was believed that that zone would be defined as international territory, but I must be clear that that will not be the case. We now have legal advice that says that the zone will still be sovereign soil and will still be under the jurisdiction of Scots law and the Lord Advocate.

The simplest way that I can put it, from an operational perspective, is that we are, in effect, treating the zone as private space. When Police Scotland deals with any matter in private space, we can enter only at the request of the owner of the property, under warrant or, in extremis, when there is a threat to life. That will be the basis on which we will police the blue zone. Clearly, we have worked very closely with the United Nations thus far, and it is very open to our involvement in the policing of the entire area.

There will be a protocol around how Police Scotland will operate in the blue zone, should that be required. For example, if a crime occurs in the blue zone, we will still be the primary investigating agency under the direction of the Lord Advocate. There will be a protocol by which the United Nations will invite us in, and we would treat the crime as we would any other crime in Scotland. In extremis—if a critical or major incident were to happen—we, along with all the other emergency responders, would have the authority to enter the zone to save life.

**Margaret Mitchell:** Has there ever been an example of the UN adopting a territory, site or area of ground in Scotland or the rest of the UK?

**Assistant Chief Constable Higgins:** It could be argued that we deal with such situations all the time. For example, I am in charge of tonight's Europa league match between Rangers and Bayer Leverkusen. We will be operating within Ibrox stadium at the invitation of Rangers Football Club, and we agree protocols about who has what responsibility and what the tipping point would be

when the police would step up and take over control of the event.

It is quite unusual to have a blue zone in which the political negotiations will occur during the conference. However, in relation to safety and security, I am reasonably comfortable that there will be enough flexibility within the arrangements that we will put in place to ensure that the integrity of any police operation and/or subsequent investigation will in no way be compromised, and nor will our ability to react swiftly to something that might happen in that area.

**Margaret Mitchell:** I am thinking of specific examples in which the UN took control. I am interested in whether that has occurred previously and, if so, how it worked in practice and whether there were any problems.

**Assistant Chief Constable Higgins:** I am not aware of that happening in the UK, but I visited COP25 in Madrid, where another blue zone was established. I spoke with the police commander who was in charge of that event, and he was assured about the arrangements. I also spoke with the UN and looked at how the arrangements worked in practice, and they seemed to be reasonable. Within the wider blue zone, there will be what is known as a joint operation control centre, where we will have a police liaison officer who will be in direct contact with my staff and the UN. We will be able to respond very quickly, should something occur. What I saw in Madrid did not cause me any great concerns about how we will operate in Scotland.

**Margaret Mitchell:** That is helpful. Can you give an indication of how many other venues are likely to be connected with the conference and how they will be policed?

**Assistant Chief Constable Higgins:** We know that the conference will be held at the Scottish Event Campus. This afternoon, there will be a meeting of the overarching steering group, which is chaired by the chief executive of COP26, at which our chief constable, Iain Livingstone, will be present. One of the items to be considered is acceptance of a proposal that the outer security perimeter will bound the SEC up to and including the transport museum, with the northern boundary being the Clydeside expressway and the southern boundary the River Clyde.

Discussions are still going on about where a green zone will be established. One of the preferred venues for that is Glasgow Science Centre, which is directly across from the SEC. The green zone, which the UK Government will use to demonstrate what we might call UK plc, will be a less secure area. It will be more open to the public but, because it will be a COP venue, by extension there will clearly be a security overlay.

A variety of hotels in Glasgow, Edinburgh and beyond will be in use. The security overlay will consider who will be staying in them. A significant number of heads of state might attend, some of whom will attract protection packages; others will not. Depending on where they reside during the conference, we will put appropriate security provision in place. Again, depending on what the private security contractors sign up to, we will work closely with them to ensure that our respective operations complement each other.

There is the potential for social events to occur away from the business of the conference itself. However, the details of those have still to be examined and confirmed.

**Margaret Mitchell:** Finally, can you outline the overall command structure for policing the conference?

**Assistant Chief Constable Higgins:** In early November 2019, Chief Constable Livingstone appointed me as gold commander, so responsibility for planning for and delivery of policing for the conference ultimately rests with me. As the sub-committee would expect, sitting under me are a number of silver and bronze commanders with responsibility for specific areas. To give the sub-committee some reassurance, I point out that, each fortnight, the chief constable chairs a meeting of the strategic oversight group, at which he holds me to account on the decisions, policies and processes that I have put in place. Where required, he gives me strategic direction on matters that are outwith my gift as gold commander.

Planning and operational delivery matters are therefore down to me. However, Chief Constable Livingstone's hands-on approach to oversight should assure everyone that the policing of COP26 is not being viewed as a stand-alone item and that the entire organisation of Police Scotland is taking a unitary approach to it.

**James Kelly (Glasgow) (Lab):** Good afternoon, gentlemen. I turn to the issue of resourcing. ACC Higgins, in your opening statement you indicated that the intensive phase of the conference will last for three weeks. How many officers will be required in that time, and what is your estimate of how that number will be split between Police Scotland and other forces?

**Assistant Chief Constable Higgins:** Much of that is operationally sensitive at the moment, so, if you will indulge me, I will speak in very broad terms.

**James Kelly:** Sure—I understand.

**Assistant Chief Constable Higgins:** Initially, no planning assumptions were provided to us, so we had to plan on the basis of there being a low

appetite for risk, which means deployment of high levels of resources. The media and other places had figures of in excess of £200 million for the cost of the conference. That was our initial assessment, based on a significant number of not quite tens of thousands but north of 4,000—5,000, or 6,000—officers across all disciplines being deployed daily.

13:15

At a helpful meeting in London a couple of weeks ago, I sat down with the COP UK unit and we agreed a number of significant planning assumptions—not least, the appetite for risk around the event, which is still subject to UK ministerial approval. On the basis of that discussion, I revisited the resource deployment plan. I then presented my findings to the chief constable at the strategic oversight board that he chaired. With his approval we made the decision that that would be the new resource level.

James Gray and his team then calculated the cost, which came in at approximately £180 million, which is a significant reduction from £250 million. That is simply because of the decision that I took—ratified and endorsed by the chief constable—about the actual level of resources that we would need. As a courtesy, we then informed HM Government and the Scottish Police Authority of our revised costings.

To get down to the brass tacks of your question, daily we will deploy public order officers for public safety reasons. Conventional officers will support the security operation at the person and vehicle search point, and other officers will be deployed as close protection officers if we have protected persons. We will also have a firearms response because of the wider threat of terrorism.

The final numbers for what we will need on a daily basis are still to be agreed, because the conference happens over a fortnight and there will be high days and low days. There will be days when the big power countries come in and heads of state will give keynote speeches, which will clearly increase the resources that we will need to deploy on those days. There will also be days when it is not so much about the high-profile people but is more business as usual. Our resources will flex up and down across the fortnight, but on any given day, I expect several thousand officers to be deployed over the 24 hours.

We also anticipate that a rally will be held on the middle weekend. Such things mark COP conferences across the globe. The United Nations engages with protest groups and encourages them to hold a rally to highlight the concerns about climate change, so we anticipate that there will, on

the middle Saturday, be a rally of several thousand people. The route is to be determined, but it is most likely to be within Glasgow city centre. That is a COP-related event, so we will have to deploy a significant number of police officers for public safety reasons and to support a stewarding operation.

**James Kelly:** Is it logical to take from the fact that the costs have decreased that the initial estimate of the number of officers that will be required has also decreased?

**Assistant Chief Constable Higgins:** Yes. In effect, I asked the UK Government to consider its appetite for risk. If there is a low appetite for risk, that means that there will be high numbers of arrests and high numbers of police officers.

In the discussion, we talked openly about the rights of protesters and the articles of the European convention on human rights, such as the right to assemble, the right to life and the right to protest. As I am the police gold commander, one of my strategic objectives is to facilitate peaceful protest when that is at all possible. That is entirely appropriate and commensurate with a moderate threat level. The proposal to the UK Government, which is still subject to ministerial agreement, is that if we plan the event with a moderate risk appetite, that will allow me, as the gold commander, to reduce the number of officers without compromising the safety and security of the event.

To give members some assurance, I note that this is my 32nd year in the police service, and I would not get involved in an event if I was not confident of Police Scotland's ability to deliver. I certainly will not compromise the safety of my officers or the wider Scottish public.

**James Kelly:** I understand that you have wide experience in policing such events. You have outlined some of the logistical challenges, and I am sure that we all share your view and hope that people will be able to participate in protests in a peaceful manner. However, if there are incidents that require arrests, does Police Scotland have adequate custody facilities to deal with that?

**Assistant Chief Constable Higgins:** Part of our planning involves looking at the custody provision. We plan to make enhancements to that, some of which will mean increasing the number of charge bars in back offices so that we can process more prisoners at the same time.

At the peak of the Extinction Rebellion demonstrations in London in late spring and early summer last year, the Metropolitan Police arrested 300 protesters a day, so we have modelled our custody provision on that basis. It is not my expectation that that will happen every day over the course of the 14-day period, given the ebb and



flow of the conference, but there might be days on which the level of protest moves from peaceful protest to direct action, when we have to step in and take a more robust approach. If we model the custody provision on there being 300 arrests a day, plans will be in place to ensure that we have the appropriate provision to deal with that.

**The Convener:** Mr Higgins, do you want to take the opportunity to discuss an aspect of that? Members will be greatly assured that you used the term “facilitate peaceful protest”. We understand that many issues are confidential, not least the threat of terrorism and how you would respond to that, but could you comment on the concern about the labelling, in a publication, of some organisations as “terrorist” organisations? You might be aware that I have written to Police Scotland about that in my party capacity. I accept that it is a reserved matter, but if it would be helpful to the mix, perhaps you could comment on it in an appropriate way.

**Assistant Chief Constable Higgins:** I am happy to comment on that.

At the express direction of the chief constable, the groups that are likely to protest at COP26 are not being considered as a terrorist threat by Police Scotland. They are climate activists, global activists or climate change lobbyists, and they are defined as such by Police Scotland.

**The Convener:** Will you clarify why publications went out showing insignia and things such as that? People are concerned that, having been involved in legitimate protest, they have seen press coverage that suggested that they have been part of terrorist organisations.

**Assistant Chief Constable Higgins:** I am unfamiliar with that publication, but I know that, at UK level, categorisation of groups that are active in protests has been looked at. However, as I said, the chief constable has taken a proactive step and has said that Police Scotland will classify climate change protesters as environmental lobbyists and protesters; they are certainly not classified as a terrorist threat by Police Scotland.

**The Convener:** That is helpful.

**Liam McArthur (Orkney Islands) (LD):** You have painted a vivid picture of the scale and extent of COP26. The impact over those weeks will inevitably be felt most keenly in and around Glasgow, but it would be naive to think that the impact will not be felt in the wider community. Will you talk us through some of the steps that you are taking to mitigate and minimise the impact on the wider community?

**Assistant Chief Constable Higgins:** You are quite right that there will be a wider impact, even in Edinburgh, where a number of hotels might be

used. American consulates might be targets for individual protests, because that is the unique nature of the event—it is not just about the climate change protest. No matter the subject, some countries will attract protest because of, for example, their human rights records. It is not just the environmental protest that we need to look at.

With regard to the wider community, I will make a couple of points. We work closely with Glasgow City Council, Transport Scotland and the Scottish Government to look at the wider impact on Scottish communities, outwith COP26. Police Scotland has appointed an assistant chief constable to be our business-as-usual executive lead. During the planning phase, that individual will look at the decisions that I make on what we will do at COP26, overlay that against Police Scotland’s ability to respond to other business-as-usual needs and make sure that we are not compromised. There will be an impact. We cannot have that many people descending on Glasgow and a march of several hundred thousand people in the middle of the city without there being an impact.

When I went to the COP in Madrid, it was a good experience. One night, the UK delegation decided that we would go into Madrid city only to be told that it was a 45-minute drive away from the venue. The SEC is a 15-minute walk into the centre of Glasgow, so it is a different dynamic to other COP venues, and we are looking at that. Even in the daytime, 14,000 or 15,000 delegates will arrive by train, taxi, bicycle or on foot and traverse the city, so that will have an impact.

The chief constable has taken the decision to appoint a business-as-usual assistant chief constable, who will work closely with me. We will try to de-conflict any potential rubs, to make sure that we are still in a good position to respond.

**Liam McArthur:** That is helpful, although I am concerned about the poor soul who has been designated as business-as-usual chief, because it is difficult to imagine how, given the deployment that you have talked about—even with shared resources across UK forces—there can be anything approaching business as usual with regard to what Police Scotland is expected to do, not just in Glasgow or across the central belt, but nationwide.

Have decisions been taken about responsibilities that Police Scotland will have to step back from or scale back? Do we need to manage public expectations about what policing will look like over that three-week period?

**Assistant Chief Constable Higgins:** Sure. There will still be calls on a Saturday night that will have to be answered. It is a whole-model approach. Earlier in the evidence session, I

referred to that as being a Police Scotland approach, as opposed to COP26 standing outwith it. We will look at the resources that we have outwith the COP deployment to make sure that, by using the shift pattern and rest-day working, any available staff and officers are deployable during that period. There will be an impact, but the non-negotiable point is that there will be no compromise to people's safety, because our primary function is to keep people safe.

We have done other things. During the course of the event, as part of the nations league, two international football matches were potentially scheduled at Hampden, which would have brought 10,000 to 20,000 folk or more, plus visiting fans, into Glasgow. Through the offices of the Scottish Football Association, an approach was made to the Union of European Football Associations, and those matches will now be rescheduled. With regard to the domestic football card, we will make sure that the high-profile games do not have a great impact. There are things that we can do to alleviate the pressure, but we cannot anticipate the demand. It is November in Glasgow, so we might have a severe weather incident; we do not know. That is why the business-as-usual ACC will work closely with me.

13:30

The cops who will be deployed at COP26 are cops. If I need to re-deploy officers from COP26 to meet community demand, that is what I will do. I will deploy Police Scotland officers to that, not the officers that we have in mutual aid. The default position is that we plan to do the best we can and to mitigate the impact but, if necessary, we will deploy resources from COP26. I will make a professional judgment, and I assure you that they will be only Police Scotland officers.

**Liam McArthur:** We could have the conference in July and still have a severe weather event in Glasgow.

You talked about cancelling leave and the implications for individual officers. Does that suggest that there may be a tapering effect after COP26, with resources still being stretched for weeks or months thereafter to allow people to catch up on leave?

**Assistant Chief Constable Higgins:** We have six defined leave periods. We deliberately decided some time ago to exclude those two weeks in November from any leave period. People will be able to take leave up to two weeks before the conference, or almost immediately after. Brighter people than me tell me that it will have an impact on one sixth of our workforce, who have been allocated a different leave period. However, it should even out over the course of the leave year.

There will also be a need to cancel rest days to allow for additional working, which will put stress on the organisation later, when officers want to take that rest day on another day. That is an issue for local commanders, inspectors and sergeants to manage. They have to make sure that they are granting officers and staff the time off that they are due while maintaining the required operational integrity.

**The Convener:** I think that you are going to get a breather now, Mr Higgins. We are moving on to finance.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I appreciate that some of this might be operationally sensitive. The original estimate of costs was in excess of £200 million, but ACC Higgins has said that it is now £180 million. Can you explain the decrease, and how that figure was reached?

**James Gray (Police Scotland):** As ACC Higgins said, we cost out an event by looking at the planning assumptions that are in place, and decisions are taken about the deployment model based on that. As the finance service, we cost that up. In finance, we look at how things are being done, but we do not question why. The Metropolitan Police will do an independent piece of work on assurance to look at the assumptions that have been made and the appropriateness of the deployment model. We look at how things are being done in order to make sure that they demonstrate best value.

The initial estimate of over £200 million was based on a low-risk approach. That meant a higher number of police officers being deployed from both Police Scotland and mutual aid, and there were associated costs for accommodation, logistics and so on. Subsequently, as ACC Higgins said, the meeting a couple of weeks ago brought more clarity around the planning assumptions. As a result, there was an agreement in principle about the risk level that would be tolerated. As ACC Higgins said, that is still subject to ministerial approval, but we took that information and ran it through the deployment model and we costed it up as fewer officers, fewer hotel rooms and simpler logistics all round. That is what drove the cost down.

The figures are still fluid. As you have heard in evidence, we still need to work out the ebb and flow of the conference days. There will be busier days and quieter ones, and a number of heads of state will be there, but those things are not entirely known yet. Even if they are known immediately before the event, they will probably change during it, and that will have an impact on the cost.

We have put very tight arrangements in place. We have three people working in the COP26

planning team, and they will continue that work until the start of the event, through it and beyond in order to see the actual cost versus the anticipated cost. Regular, two-weekly meetings will take place right through to the event with the COP26 unit in the Cabinet Office in order to keep them up to date with changes in the assumptions that might change the operating model and have a knock-on impact on the costs.

To be perfectly honest, I am always uncomfortable about putting a number out there, because it will be based on a load of assumptions. We articulate those assumptions clearly, but if they change, it will have an impact on the cost, and people will see that the cost has changed. There will be a good rationale for that, but quite a bit of time has to be spent in order to understand what was originally thought versus what was subsequently thought and understand those movements. That is why I am keen to put out as few figures as possible throughout the period. There are still so many unknowns that need to be bottomed out.

Fundamentally, that is how we got from the higher figure to the figure that we currently have; however, I can almost guarantee that the current figure will not end up being the actual cost.

**Rona Mackay:** Are you presuming that, with the margin of error, the cost will go up rather than decrease? You said that you will calculate the actual cost afterwards, but will you have a much clearer picture nearer the time?

**James Gray:** As the weeks and months progress, we will get further clarity on the operational deployment model based on levels of risk, intelligence and assumptions, which we will cost out. The costs will be refined through the coming weeks and months, and we will keep the Cabinet Office up to date.

In order to provide clarity for those who will fund this, we have broken the cost down into 18 different areas and produced a business case, in effect, for each one. An example is accommodation. A business case has been set out around the accommodation needs for the event. It is based on the number of officers that will be sent through mutual aid and assumptions about how many Police Scotland officers will need accommodation and where it needs to be, and then it looks at the various options—such as hotels, public sector buildings and other types of accommodation—in order to demonstrate that best value has been applied and appropriate procurement routes have been followed.

Almost all of those business cases have been produced, and all 18 will have been completed by the middle of next week. However, they will not stand still. Each one will be reviewed each time

there is a change to the planning assumptions and consequently to the deployment model. In the business cases, we have been absolutely clear on what the assumptions are, and there is sensitivity analysis that considers what it will mean for the costs if something goes up or down by 5 per cent.

We have a robust set of arrangements in place to ensure that there is appropriate transparency and we have an open-book accounting approach with the Cabinet Office. However, the point that I made before is valid: the numbers will go up and down, but all the supporting business cases will reflect why that has been the case.

With regard to the first part of Rona Mackay's question, which was about whether I expect the figure that we have at present to go up or down, the way in which I generally try to approach these things is to go first with what we think the highest costs will be. Unless something significant and unforeseen happens or there is a significant change in the planning assumptions, I would not expect the number to go up. There is an element of contingency in the £180 million figure, so I would not anticipate it going up. As I said, however, it is subject to things that are outside our control.

**Assistant Chief Constable Higgins:** I support James Gray on that. As a gold commander, I would be unwilling to go below where we are in terms of resource. There is not going to be another mass reduction in resources unless something significant happens—for example, if we got 10 heads of state instead of 130, which is extremely unlikely.

There are some other planning assumptions. If the counterterrorism threat level that we are operating under increased to severe or critical, it would have a significant impact on our planning and the cost. One of the challenges is that, when we bring our mutual aid officers up from down south, we cannot send them home. They are here for a week's deployment, so they have to be housed and fed and they attract all the allowances that come with that, whereas when there are mutual aid agreements down south, officers might be able to commute to and from their home address. That makes it a unique event.

However, to give you some assurance, I am comfortable as a gold commander that the level of resource is where I need it to be. There might be some tweaks, but you are not going to see a wholesale decrease or increase of £50 million unless there is a significant change—for example, to the threat level.

**Rona Mackay:** Does the Met Police give an independent assurance of assumptions? Does it have a timescale or a deadline for that?

**Assistant Chief Constable Higgins:** We have engaged with the Met Police and there will be an on-going assurance review; it will come up and look at our operational plans and planning assumptions for delivering the conference.

Our planning assumptions have been provided to the steering group, which is chaired by Peter Hill, who is the chief executive of COP26, and the UK Government-led operational working group, and they have accepted pretty much every planning assumption that we have proposed. The Met Police will come up, look at the planning assumptions and the venue, and then overlay our operational plan to see whether it believes that it is a proportionate and reasonable response that gives assurance that the figures that James Gray subsequently calculated are correct. There will also be independent verification of James's calculations.

**Rona Mackay:** How close to the event will all of that happen?

**Assistant Chief Constable Higgins:** We anticipate that the Met Police will come up in the next month to do its first assurance review, and that will continue between now and event delivery. It will not be a one-off event; the Met Police will do that on a rolling basis and will give the independent assurance to the various UK Government steering groups.

**Shona Robison:** It would be good to get an update on the discussions that have taken place with the UK Government with regard to commitments that have been made on the policing costs. Do you expect the UK Government to commit to ensuring that there will be no detriment—and indeed no gain—to Police Scotland?

**James Gray:** That has been our guiding principle for the event from the outset. We have established a set of assumptions around the business principles, one of which is that there should be no detriment to the policing budget in Scotland. That has been agreed by the chief executive of COP26.

How that will play out in practice is that the marginal costs—where money is spent on things such as hotel rooms and allowances for officers under mutual aid—will be reimbursed. We have also had conversations about the opportunity cost. For example, my salary is paid, in effect, by Scottish taxpayers. Would Westminster pick up the cost of the 25 per cent of my time that will be spent on the event, and the same for the many other people who are involved? The answer was no, so there is not full cost recovery; there is marginal cost recovery. The amount to be recovered is the full cost of the additionality, if you like.

In principle, there will be no financial detriment to the organisation, but there will be an element of opportunity cost in that officers who would otherwise be doing other things will be working on COP26.

**Shona Robison:** You mentioned hotel rooms. As I understand it, deposits were due to be paid in February to secure accommodation for the officers who will be attending. Have those deposits been paid? If so, has the UK Government provided reimbursement, or is that on its way?

13:45

**James Gray:** The UK Government did not have a budget for COP26 in place until its budget yesterday, so the Cabinet Office team was not in a position to provide any underwriting of costs that may be incurred by policing in Scotland. Initially, the expectation was that Police Scotland would procure all the accommodation, pay the deposits and seek reimbursement from the UK Government. However, because no budget was in place for the UK Government to commit to reimbursing the policing budget here, the Foreign and Commonwealth Office took responsibility for booking all the accommodation for policing—that is, for both the Police Scotland officers and the mutual aid officers who will be required.

Those bookings are being made as we speak. Over the past number of weeks, hotels have been secured. There is still more to do, but we have had an assurance from the COP26 team that the accommodation requirements that ACC Higgins has set out for the event will be secured through that arrangement.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Good afternoon. I want to ask about governance. I am aware that the chief constable has previously expressed concerns about three areas: governance, risk and funding. You have detailed some of the concerns about risk, including in relation to funding. Will you talk a wee bit about how the governance framework across the UK is constituted and what work on that has been undertaken to date?

**Assistant Chief Constable Higgins:** Certainly. As I have said, internally, the chief constable chairs the strategic oversight board through which I am held to account fortnightly. As members would expect, I have gold command meetings, and there is also a series of sub-level meetings about the planning.

On external governance, the COP26 steering board, which is chaired by Peter Hill from the UK Government, sits right at the top. The chief constable is at that board today. It has wide representation from the Scottish Government,

Glasgow City Council, Police Scotland and various Whitehall departments.

An operations working group sits underneath that board. I sit on that group, which looks at transport and security, for example. James Gray and I sit on the financial assurance group. There is also a venues working group. Those groups have two functions: they discuss what is required and they assure that the planning process is in place.

In Scotland, the Scottish Police Authority has an oversight board, which is chaired by Tom Halpin. It consists of him and three other members of the authority, and it is attended by either DCC Kerr or me. The SPA set out the board's terms of reference in its evidence to the sub-committee.

We are represented on the Scottish Government resilience committee. Its remit is to look at the wider impact on Scottish public services and how Scotland as a nation will be prepared to deal with the ripple effect of COP26.

In effect, 30,000 additional people and, potentially, tens of thousands of protesters will be coming into Glasgow. Consideration is being given to what impact that will have on the health service and the transport infrastructure, for example.

All that is taking place. James Gray might want to mention the role of Scott-Moncrieff in relation to financial assurance.

We have mentioned the Metropolitan Police's role in giving operational assurance. I am in discussion with Gill Imery about what support Her Majesty's Inspectorate of Constabulary in Scotland can offer to provide additional independent assurance.

**Fulton MacGregor:** That was a comprehensive overview. The chief constable was concerned about governance. Given that all those things are in place, have those concerns reduced?

**Assistant Chief Constable Higgins:** You mentioned governance, risk and finance. I think that all three concerns have reduced, but they are not completely nullified. We welcome as much assurance and governance around us as possible, because it is not an insignificant sum that we are proposing to spend to deliver the event. Therefore, it is only right and proper that we are held to account.

A couple of weeks ago, I was asked at the SPA about the level of assurance and whether the landscape was getting to be too clouded or busy. As things stand, we are probably where we need to be. If we start to introduce additional structures, there will be the risks of duplication of effort and of detracting from the main job in hand around delivering the event. The current assurance levels and the boards that have been established will, as they mature over the coming weeks and months,

absolutely do what they have been designed and implemented to do.

**Fulton MacGregor:** I was going to ask whether you think that the concerns about funding and risk are reducing, but you have covered that.

I have a final question. We have been here for 50 minutes and have not yet mentioned coronavirus—so I will ask about it. Obviously, it is the biggest issue that we are all facing just now. Has the operations board considered the possible impact of coronavirus, whether it might have a delayed impact, or whether we might still be facing it? A couple of minutes ago, I checked on my phone for something that I came across last night. I do not know how scientific or otherwise it was, but it said that we might face the virus throughout the year. Is that issue brought up and discussed in meetings and various forums?

**Assistant Chief Constable Higgins:** It certainly comes into our thinking about contingency. We are eight months out from the conference. It is not just about conference delivery; it is also about the ability to plan. From looking at some of the statistics that are going about, people could reasonably expect to lose 30 per cent of their workforce. That would be 30 per cent of my planning team. Today, I have asked my lead planner how we can keep the wheels turning in relation to planning because, in the absence of anything having come from the United Nations, we are working on the presumption that the conference will still go ahead. That is one of the contingencies that we are looking at.

The reality is that we do not really know at this stage. Coronavirus might have no impact at all; it might cause a delay or a postponement; or it might cause numbers attending the conference to be slimmed down. For example, instead of there being 30,000 delegates, we might find that the conference is attended by only the key policy makers.

I know that there is an absolute determination in the United Nations and the UK Government that some critical policies will be discussed this November and that they do not want delay. Therefore, I think that there will be a real desire and appetite for the conference to go ahead. Our planning assumption is that, until we are told otherwise, we will plan for the full conference and everything that goes with it.

**Liam McArthur:** I want to broaden out that issue, although you might not be able to answer this question. On the contingency over the coming months, whether the absence rate is 20 per cent or 30 per cent, if that impact is rolled out to officers and staff, one can consider the implications of that for deployment in routine duties over the next three or four months. What work is on-going to

deal with that? Is that an issue for leave and rest days? I refer to what you said earlier in relation to what is happening in November.

**Assistant Chief Constable Higgins:** The chief constable has appointed one of my ACC colleagues as the gold commander for the Police Scotland response to coronavirus. Essentially, we would be looking to kick in our business continuity plans, one of which relates to mass absenteeism due to illness. We have plans in which we would look at how we could redeploy back-office staff. In extremis, we would look at cancelling leave and rest days. As the sub-committee can imagine, that has been cranking up over the past couple of weeks.

Our planning is well advanced. At this stage, we have not implemented any particular actions other than pulling together a planning team to look at the implications. We will, for example, take possession of some protective equipment that will allow police officers to respond to what we describe as warm or hot zones. That has to be distributed around the country.

Other than those preparatory elements, we have not kick-started the back-office stuff. However, there are contingency plans and, in particular, business continuity plans around mass absenteeism.

**Liam McArthur:** Is that just the business continuity programme in Police Scotland, or will that have implications for sharing resources across forces within the UK? I presume that all forces will go through the same sorts of processes and planning that you have just described.

**Assistant Chief Constable Higgins:** I think that the national police co-ordination centre—NPoCC—will have the co-ordinating role. Any mutual aid request that we make or receive will go through it. The principle of any mutual aid request is that we try to help wherever possible but do not compromise our own ability to deliver core services.

**The Convener:** There has been a lot of coverage of governance and, as you have said, a lot of groups are involved. I presume that the SPA oversight group and the strategic oversight board, which is chaired by the chief constable, are looking at things such as health and safety and officer wellbeing. What input is there from the staff associations and the trade unions? Do they have representation on either of those boards?

**Assistant Chief Constable Higgins:** The strategic oversight board is an executive-led board. It consists of the chief constable, the deputy chief constables and other members of the executive. The staff associations are not on that board. It is within the gift of the SPA to invite to its board whom it sees fit to invite.

To give members some assurance, the staff associations have a seat at my gold meetings and the silver tactical meetings that are chaired by my silver commander. They are hugely involved in the discussions about staff welfare and pay and conditions. As recently as this week, I spoke to the deputy secretary of the Scottish Police Federation and said that, at any given time, we would accredit him so that he could go to any venue, staging post or hotel to make sure that staff wellbeing and welfare is where we said that it would be.

To give members some more assurance, this Monday, as part of my central core planning team an inspector started whose role is to develop a wellbeing and welfare strategy and an operational delivery plan. My gold strategy also specifically references officer and staff wellbeing and welfare. That topic is therefore very high up the agenda and is prominent in everybody's minds.

**The Convener:** Thank you. That is very reassuring.

Obviously, Glasgow City Council has a pivotal role. What engagement and involvement does it have with any of those governance bodies?

**Assistant Chief Constable Higgins:** We have a strong relationship with Glasgow City Council—so much so that the vast majority of my planning team are co-located with it at the Eastgate building in the east end of Glasgow. Therefore, there is a joint approach to planning and delivery of the event.

On wider governance, Glasgow City Council sits on the UK governance boards and on the Scottish Government resilience board. I am not aware that the council has been invited to sit on the SPA board, but my senior planners are in constant communication and daily discussion with senior planners from the council.

**The Convener:** This is a sub-committee of the Justice Committee, and my next question is not exclusively about a police matter. You talked about the headline figure of arrests. Have you engaged with the Crown Office and Procurator Fiscal Service on some of the potential implications if even a small percentage of people were to plead not guilty? I presume that that could have implications that would stretch way ahead into the future.

**Assistant Chief Constable Higgins:** It certainly could. DCC Will Kerr has raised that issue at the criminal justice board, and there have been high-level discussions about that for a number of months. I have spoken to the Lord Advocate about it as well as to the Crown Agent and various other individuals.

ACC Kenny MacDonald, who is our criminal justice lead in Police Scotland, is taking point on

that in relation to all the discussions about operational delivery and subsequent consequences. For example, we have had discussions about court times, which courts will operate, and whether we will cite officers during COP26. Those discussions have been happening for a number of months.

The Crown Office is heavily involved in the provision of the security agreement. The UN will present the UK Government with a host country agreement, part of which will be on security and law. We have made it clear that we will not sign off that agreement until it has been flushed through and approved by the Lord Advocate and his office to make sure that nothing in it compromises his ability as the lead law officer to make decisions on criminality in this country.

The short answer to your question is yes—discussions within the criminal justice world, led by ACC MacDonald and DCC Kerr, have been ongoing for some months now.

**The Convener:** Okay. Thank you.

That concludes the public part of the meeting. The next meeting of the sub-committee will be on Thursday 2 April. I thank ACC Higgins and Mr Gray for their extremely comprehensive answers. It has been a helpful and reassuring session.

14:00

*Meeting continued in private until 14:07.*





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