

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE HELD ON 21 JANUARY 2010 AT 1:00PM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- Mr Barry Gilligan (Chairman)
- Mr Brian Rea (Vice Chairman)
- Mr Alex Attwood
- Mr Alex Maskey
- (1) Mr Basil McCrea
- Mr Daithí McKay
- Ms Mary McKee
- Mrs Rosaleen Moore
- (2) Mr Ian Paisley Jnr
- Professor Sir Desmond Rea
- Mr Trevor Ringland
- (3) Mr Suneil Sharma
- Mr Jimmy Spratt

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (3) Mr Drew Harris (ACC Crime Operations)
- (4) T/Chief Superintendent Andy McQuiggan, Criminal Justice Department

NORTHERN IRELAND POLICING BOARD HUMAN RIGHTS ADVISOR IN ATTENDANCE:

Ms Alyson Kilpatrick

SECURITY SERVICE IN ATTENDANCE: PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND IN ATTENDANCE:

- (3) Northern Ireland Director
- (4) Mr Raymond Kitson, Senior Assistant Director

OFFICIALS IN ATTENDANCE:

- Mr Adrian Donaldson (Chief Executive)
- Dr Debbie Donnelly (Deputy Chief Executive)
- Mr David Jackson (Director of Community Engagement)
- (5) Mr David Wilson (Director of Planning)
- Mr Peter Gilleece (Director of Policy)
- 3 Board Officials

- (1) Part Item number 3.2 to close
- (2) Item number 5 to close
- (3) Item number 8 only
- (4) Item number 10 only
- (5) Except Item numbers 8 and 10

1. APOLOGIES

There were no apologies. NOTED.

2. MINUTES OF THE CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE MEETING HELD ON 10 DECEMBER 2009

The Committee considered the draft minutes of the meeting, and it was:-

AGREED:

That the draft minutes of the Corporate Policy, Planning and Performance Committee meeting held on 10 December 2009 should be agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 10 DECEMBER 2009

3.1 Vetting Of Contractors (Item 3.1 Of Minutes Refers)

The Chairman referred Members to previous Board and Committee discussion concerning the vetting of contractors and to a letter dated 22 December 2009 from ACC Criminal Justice which provided a further update. NOTED.

The Sinn Fein representatives asked that it be recorded that in noting the letter they were not consenting to the vetting policy.

It was noted that a number of appeals against vetting decisions had been accepted for hearing by the Security Vetting Appeals Panel Cabinet Office, London and that these were due to be heard in Belfast in early 2010.

It was:-

AGREED:

That subsequent to the appeals being heard, the Chief Constable should be requested to provide further information concerning any decisions reached by the Panel.

3.2 Review Of Stop And Search (Item 3.2 Of Minutes Refers)

Officials reminded Members that consequent to the latest annual report into PSNI's compliance with the Human Rights Act, that the service would be requested to analyse its use of Stop and Search powers and cognisant of the recent European Court of Human Rights Judgement, the Board's Human Rights Advisor would be conducting a thematic enquiry into the continued use of these powers. The Board's Human Rights Advisor confirmed that a Terms of Reference had been drawn up and estimated that the thematic enquiry would take approximately 12 weeks to complete. She confirmed that the Human Rights and Professional Standards Committee would receive regular updates on progress.

A Member expressed concern at the length of the period of time for completion. The Member emphasised that the matter should be dealt with urgently. The Member also expressed concern at remarks made by the Chairperson of the Human Rights & Professional Standards Committee in the media. The Member expressed the views that the Chairperson had made a number of subjective remarks that did not represent the corporate views of the Committee.

The Chairperson of the Committee was not present and the Chairman indicated that he would give the relevant Chairperson an opportunity to respond later in the meeting.

Members discussed the overall increase in the use of Stop and Search powers by PSNI, particularly the significant increase in the use of Section 44 of the Terrorism Act 2000.

It was:-

AGREED:

- that officials should obtain information on the decision made by some Chief Constables in England and Wales to cease searches under Section 44 prior to the European Court of Human Rights judgement;
- that the Board should discuss the matter further with the Chief Constable at the next Board meeting in private and public session.

The Chairperson of the Human Rights and Professional Standards Committee joined the meeting and advised the Committee that during interviews given to the press regarding the launch of the Board's Human Rights Annual Report, he had endeavoured to comment in line with the corporate views of the Committee and had emphasised that searches should be carried out by PSNI in a manner which did not alienate those stopped and searched. He considered that overall the report had received a positive response.

3.3 DRAFT PART II OF THE POLICING PLAN 2010 – 2013

Officials advised that the Board was awaiting further information from PSNI and it was hoped to bring Draft Part II of the Policing Plan to the February 2010 Board meeting.
NOTED.

3.4 Funding Request Phase 2 Of The You, Your Child And Alcohol Communication Campaign (Item 8 Of Minutes Refers)

In response to a Member's enquiry, the Chairman advised that advertising costs incurred by the Board in advertising campaigns, where it was in partnership with another agency/organisation, were:-

<u>Advertising Costs</u>	£
Public Directories	17,000
<u>Co-operation of the public with the police in preventing crime</u>	
Domestic Burglary campaign	30,000
You Your Child and Alcohol Campaign	35,000
Public Meetings	10,000
TOTAL BUDGET	92,000

In response to an enquiry by a Member, officials confirmed that District Policing Partnerships (DPPs) were using the campaigns to further advance their work with the community and that evaluation of each campaign was undertaken following its completion. NOTED.

3.5 Historical Enquiries Team – Operation Stafford (Item 9 Of Minutes Refers)

The Chairman reminded Members that following a briefing by the Chief Constable at the previous meeting regarding proposals to move specific significant investigations from the Historical Enquiries Team (HET) to C2 Major Crime Investigations Branch, it was agreed that the Board's Human Rights Advisor should discuss the proposal with ACC Crime Operations and consider the Board's responsibilities.

The Chairman drew Members' attention to a confidential paper, tabled at the meeting, in which the Board's Human Rights Advisor provided advice on whether the arrangements complied with Article 2 of the European Convention on Human Rights procedural obligation.

The Chairman also referred Members to a paper provided by officials regarding the Human Rights Advisor's advice with respect to the transfer of Operation Ballast (Stafford) from HET to Crime Operations. As Members had insufficient time to fully consider the papers, it was:-

AGREED:

- that both papers should be referred to the 10 February 2009 Human Rights and Professional Standards Committee meeting for consideration; and to which all Members of the Board are invited;
- that any Members wishing to comment on the papers should contact the Director of Policy or the Board's Human Rights Advisor.

Officials circulated a letter dated 20 January 2010 received from the Commission for Victims and Survivors, concerning the Victims Commission intentions to keep the transfer of Operation Stafford from HET to Crime Operations under review. Officials had invited representatives from the Victims Commission to meet with the Human Rights and Professional Standards Committee on 10 February 2010. NOTED.

3.6 Briefing – Omagh Fire Tragedy (Item 10 Of Minutes Refers)

The Chairman referred to a planned briefing by PSNI to update Members on the implications of the Coroner's recent report into the Omagh fire tragedy. The Chief Officer who was due to provide the briefing was not available and the item had been deferred to a later date. NOTED.

3.7 Public Prosecution Service (Item 11.3 Of Minutes Refers)

The Chairman referred Members to a reply received from the Acting Director of the Public Prosecution Service (PPS) in relation to an enquiry from the Board concerning the relationship between the PSNI and the Public Prosecution Service. NOTED.

The Chairman advised Members that he had met with the Acting Director and the Senior Assistant Director of PPS to discuss issues raised in the correspondence. The Senior Assistant Director was scheduled to join the meeting at a later stage and the Chairman identified a number of issues that the Committee might wish to raise during discussion.

3.8 Workforce Modernisation (Item 14 Of Minutes Refers)

The Deputy Chief Executive advised that research was ongoing to provide information pertaining to Workforce Modernisation arrangements in Great Britain. It was anticipated that sufficient information should be received to provide a paper to the next Committee meeting. NOTED.

A Member referred to discussions at Resources and Improvement Committee concerning future budget provision for the complement of regular officers. While funding continued to be based on 7,500 officers there was provision in the budget to move to a smaller complement. Members discussed the way in which this had been communicated and could be communicated to the wider public. Officials advised that it was planned to bring a briefing to the Human Resources Committee relating to the matter. NOTED.

4. CHAIRMAN'S BUSINESS

4.1 Engagements

The Chairman highlighted the following engagements which he had undertaken on behalf of the Board:-

- Funeral of Cardinal Cahal Daly – Armagh – 5 January 2010 (attended by Vice Chairman and Chief Executive);
- Meeting – Belfast – 11 January 2010 with the Ministers Paul Goggins and Edwin Poots on the NIO proposed consultation on the future of DPPs and CSPs. Paul Goggins agreed that the Board's Community Engagement Committee would have an opportunity to have an input to the draft

consultation paper before it was published for consultation in mid-February 2010;

- Visit to Mrs Heffron and relatives of injured Constable Peadar Heffron;
- Public Engagement meeting – Enniskillen – 19 January 2010;
- Launch of 5th Human Rights Annual Report – Belfast – 21 January 2010.

NOTED.

4.2 Publications

- Community Restorative Justice Ireland: Newry and South Armagh Scheme – CJINI – October 2009;
- Evaluation of the West Belfast Community Safety Forum – CJINI – November 2009;
- Autumn Performance Report – NIO – 2009.

NOTED.

4.3 Correspondence

The Chairman informed Members that he had received the following correspondence:-

- letter from NIO dated 6 December 2009 regarding the Government's Draft Legislative Programme 2009/10;
- letter from Minister of State dated 17 January 2010 regarding the monitoring of strategic recommendations made by CJINI that impact on the wider criminal justice system.

NOTED.

4.4 ATM Security Working Group

The Chairman reminded Members that one of the recommendations arising from discussions at an Organised Crime Task Force meeting, was the establishment of a working group dealing with practical issues associated with ATM robberies. The first

meeting of the working group took place on 8 January 2010 and the Board was represented by the Chief Executive. The Chief Executive updated Members about the meeting.

Following discussion, it was:-

AGREED:

That officials should formulate a question for the Chief Constable concerning the PSNI response to recent ATM thefts and attempted thefts.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Security Of Northern Ireland Policing Board Headquarters

The Chief Executive advised that it was anticipated that the final written report on the PSNI review of security at the Policing Board's offices would be received shortly. The Chairman proposed that a special Board meeting be arranged to consider the matter.

It was:-

AGREED:

That the Chairman and Vice Chairman should authorise a special meeting of the Board on Thursday, 28 January 2010 to consider the Security Review.

5.2 Policing Architecture Protocol

The Chief Executive referred Members to a letter and enclosure, e-mailed separately to Members prior to the meeting, dated 14 January 2010 from the NIO concerning a draft policing Architecture Protocol. The draft provided guidance to the Assembly and Executive Review Committee on how a protocol between the Minister of Justice and the Assembly Committee might be drafted. The NIO had sought the views of the Board by 18 January 2010.

Mr Spratt declared an interest in relation to the item, as Chairman of the Assembly and Executive Review Committee.

During discussion, Members commented on the content expressing a range of views on the draft including:-

- the original protocol had not been considered by Board Members;
- the protocol was not consistent with the concepts of Patten, or the tripartite relationship and was broadening responsibilities;
- the wording of the document was untidy and could cause future difficulties;
- nothing in the document changed the role of the Board;
- that Board responsibilities should be clarified;
- the Board should take legal advice regarding its role as set out in the draft document;
- the Board should take advice on whether the Protocol was consistent with the concepts of Patten.

Following this discussion, it was:-

AGREED:

- that the Board should take legal advice on whether the Draft Protocol changed its role;
- advice should be sought on whether the protocol was in line with the concepts of the Patten report;
- Members should inform the Chief Executive of any other concerns they had with the wording of the document;
- that the Chief Executive should, as soon as possible, convey such concerns to the NIO.

It was:-

RESOLVED:

That the Board should advise NIO that it was considering the Draft Protocol and emphasise that there was unanimity among Members that in any future arrangement, the role of the Board should not be diminished.

5.3 Correspondence From A Member Of The Public

The Chief Executive informed Members about correspondence received from a named member of the public. In view of the content of the letter, he had taken legal advice and acted in accordance with the advice given. NOTED.

6. NORTHERN IRELAND SAFETY CAMERA SCHEME

The Committee considered a paper relating to the Northern Ireland Safety Camera Scheme which included a letter from ACC Operational Support seeking Board support to deploy average speed camera systems on motorways to facilitate the deployment of additional policing resources in rural areas.

Following discussion, it was:-

AGREED:

- that PSNI should be advised that as this was an operational matter, the Board would hold the Chief Constable to account for any subsequent decision to deploy cameras and or redeploy resources from motorways to duties in rural areas;
- subsequent to PSNI decisions, the Board should receive further information in relation to the deployment/redeployment of resources.

7. POLICING BOARD'S POLICY WITH RESPECT TO THE HANDLING OF LEAKED INFORMATION

The Committee considered an updated Board policy with respect to the handling of leaked information.

It was:-

RESOLVED:

To approve the Northern Ireland Policing Board policy on handling leaked information.

8. BRIEFING REGARDING THE PSNI/SECURITY SERVICE WORKING RELATIONSHIP

The Committee received a confidential briefing from ACC Crime Support and the Northern Ireland Director of the Security Service concerning the working relationship between the 2 organisations. A confidential note on the briefing is attached at Appendix 'A'.

Following the briefing, the Chairman thanked the representatives from the PSNI and Security Service and they left the meeting.

9. OMAGH FIRE TRAGEDY

This item was deferred to a later date.

10. PROSECUTION PROCESS

The Chairman welcomed Mr Raymond Kitson, Senior Assistant Director, PPSNI and T/Chief Superintendent Andy McQuiggan, Criminal Justice Branch to the meeting.

The Committee received a confidential briefing regarding the working relationship between PSNI and the PPSNI. A confidential note on the briefing is attached at Appendix 'A'.

Following the briefing, the Chairman thanked the representatives for their contribution and they left the meeting.

11. INFORMATION PAPERS

The Committee considered the following information papers:-

11.1 Briefing Paper On The Home Office Consultation: Keeping The Right People On The DNA Database

11.2 Briefing Paper On The 2nd Report Of The Independent Reviewer 2008 – 2009

11.3 Letter Regarding The Role Of The Surveillance Commissioner

11.4 Article From Newspaper Regarding A Meeting Between Assistant Chief Constable Crime Operations And Mr Raymond McCord

NOTED.

12. MATTERS TO BE RAISED WITH THE CHIEF CONSTABLE AT THE NEXT BOARD MEETING

Further to previous discussion, it was agreed that the following items be raised with the Chief Constable:-

- the use of Stop and Search powers by PSNI;
- the theft of ATMs.

13. COMMUNICATION ISSUES

It was:-

RESOLVED:

That the Board should issue a press release to mark the launch of the PSNI's 16th recruitment campaign on 14 January 2010.

14. ANY OTHER BUSINESS

There were no matters arising.

15. DATE OF NEXT MEETING

The date of the next meeting was scheduled for Thursday, 18 February 2010 at 2:00pm.

(Meeting closed at 5:15pm).

Secretariat

January 2010

Chairman