

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE HELD ON 18 MARCH 2010 AT 2:00PM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- Mr Gearóid Ó hEára (Chairman)
- (1) Mr Alex Attwood
- Mr Daithí McKay
- (2) Mr Alex Maskey
- (1) Mrs Rosaleen Moore
- Professor Sir Desmond Rea
- Mr Trevor Ringland

UK BORDER AGENCY IN ATTENDANCE:

- (3) Mr Steve Brassington, Regional Director
- (3) Ms Maggie Eyden, Asst Director
- (3) Mr Mike Golden, Asst Director

OFFICIALS IN ATTENDANCE:

- Mr Adrian Donaldson (Chief Executive)
- (4) Dr Debbie Donnelly (Deputy Chief Executive)
- (4) Mr David Jackson (Director of Community Engagement)
- (2) Mr Sam Hagen (Director of Corporate Services)
- (4) Mr Peter Gilleece (Director of Policy)
- (4) 4 Board Officials

- (1) Part item number 5.1 to close
- (2) Item number 1 to 7
- (3) Item number 8 only
- (4) Except item number 14

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Barry Gilligan, Mr Brian Rea, Mr Basil McCrea, Ms Mary McKee and Mr Jimmy Spratt. NOTED.

The Chairman asked Members to declare any conflicts of interest arising from the agenda. There were no conflicts of interest declared by Members.

2. MINUTES OF THE MEETING OF THE CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE HELD ON 18 FEBRUARY 2010

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 18 February 2010 should be agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 18 FEBRUARY 2010

3.1 Review Of Stop And Search (Item 3.1 Of Minutes Refers)

The Chairman referred Members to an information paper in relation to population and stop and search figures in PSNI and English police forces. NOTED.

3.2 Workforce Modernisation (Item 3.2 Of Minutes Refers)

This matter was dealt with at Item 7.

3.3 Policing Architecture Protocol (Item 6 Of Minutes Refers)

This matter was dealt with at Item 5.1.

4. CHAIRMAN'S BUSINESS

4.1 Engagements

The A/Vice-Chairman highlighted the following engagements which the A/Chairman had undertaken on behalf of the Board:-

- Vision Presentation – Belfast – 8 March 2010;
- Police Advisory Board Meeting – Belfast – 9 March 2010;
- DPP Chairs and Vice-Chairs Forum – Ballymena – 10 March 2010;
- Elder People Event – Belfast – 11 March 2010;
- British/Irish Secretariat St Patrick's Day Reception – Belfast – 11 March 2010.

NOTED.

4.2 Publications

There were no matters arising.

4.3 Correspondence

There were no matters arising.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Protocol On The Policing Architecture

The Chief Executive referred the Committee to a revised draft Protocol on the Policing Architecture, received from NIO, which had been circulated to all Board Members on 9 March 2010. The Chief Executive tabled legal advice he had received from the Crown Solicitor's Office (CSO) in relation to the revised draft Protocol.

A Member indicated that he would require further time to consider the legal advice and suggested that it be included in the agenda for consideration at next Board meeting on 1 April 2010. The Member also suggested that a further legal opinion be sought from Mr Peter Smith QC on the revised draft Protocol and that this advice should also be brought to the Board meeting for consideration.

The Committee was reminded that at the March 2010 Board meeting a number of Members had indicated that they had objections to the Board seeking legal advice from Mr Smith. Members discussed whether further legal advice should be sought from Mr Smith.

A number of Members expressed the view that as legal advice had already been received from Mr Smith regarding the original NIO draft that it would be appropriate to seek his advice on the revised draft; it would be helpful to seek a further opinion; and that the advice from Mr Smith should be requested as soon as possible.

A Member expressed the view that given the matter could be viewed as contentious it should be considered by the Board; that Mr Smith was not the Board's legal advisor; and that the legal advice from the CSO should first be considered by the Board and then a decision taken whether to seek advice from Mr Smith.

Following further discussion, a Member (Mr Ringland) proposed a motion that ' the Chief Executive should seek further advice from Mr Peter Smith QC on behalf of the Board on the revised draft Protocol on Policing Architecture and that his advice should be brought to the next Board meeting for consideration'. The motion was seconded (Professor Sir Desmond Rea). By show of hands, 4 Members indicated they were in favour of the motion, and 2 Members indicated they were against the motion. There was 1 abstention.

It was:-

AGREED:

That the Chief Executive should seek further advice from Mr Peter Smith QC on the revised draft Protocol on the Policing Architecture and that his advice should be brought to the next Board meeting for consideration.

5.2 Update On PSNI Governance Structure

The Chief Executive tabled an organisational chart which set out the proposed PSNI Governance and Programme Boards. He informed the Committee that the PSNI had agreed that 3 groups should be established:-

1. The Risk Demand & Resourcing Committee;
2. The Organisational & Improvement Committee;
3. The Strategic Tasking & Co-ordination Group.

Confirmation of further details was awaited from PSNI and these would be brought to the Board or Committee as soon as they were available. A Member requested that the Board or Committee should receive a presentation from PSNI on the Governance & Programme Boards.

5.3 Update On New Police College

The Chief Executive referred Members to a report to the Board by the Programme Manager on the delivery of the new central training facility in partnership with NIFRS and NIPS at Desertcreat. The report covered the period January 2010 to March 2010. The Chief Executive updated the Committee on progress regarding the new training college and confirmed that it was anticipated that the college would be completed in mid 2013. NOTED.

Members discussed funding for the college and it was:-

AGREED:

That the Board should write to the Office of the First & Deputy First Minister to seek clarification on the funding process for the new central training facility following the devolution of policing and justice.

5.4 Devolution Protocol – National Security

The Chief Executive referred Members to a paper from NIO, tabled at the meeting, which provided updated handling arrangements for national security related matters after devolution of policing and justice to the Northern Ireland Executive. NOTED.

The Committee considered amendments to paragraphs 8 i. – Public Confidence and Annex Paragraph 3.1 – Policing.

A Member referred to the precedent established by the Board of receiving regular briefings from ACC Crime Operations together with the Northern Ireland Director of the Security Service. The Member highlighted the need for the Board to ensure that its position was maintained.

A Member referred to the findings of the recently published report of the Northern Ireland Affairs Committee entitled ‘The Omagh bombing: some remaining questions’. He highlighted the need for the Board to maintain its role in relation to holding the Chief Constable to account following critical incidents including those involving issues of national security. The Member suggested that there should be reference in the handling arrangements document to Annex ‘E’ of the St. Andrew’s Agreement.

A Member suggested that the draft handling arrangements should be further considered by the Board.

It was:

AGREED

That officials should:-

- prepare a commentary on the draft handling arrangements for consideration at the next Board meeting; and
- draft a letter to the NIO suggesting that the draft handling arrangements should include reference to Annex E of the St Andrew’s Agreement, for consideration at the next Board meeting.

6. 2010 – 2011 NIPB CORPORATE BUSINESS PLAN

The Committee considered the 2010-2011 NIPB Corporate Business Plan.

During discussion, Members discussed the need for:-

- the Board to formally consider and agree its position in respect of the optimum number of PSNI Districts and whether these should be coterminous with Council boundaries;
- the Human Rights and Professional Standards Committee to continue to pursue information on trends and patterns in complaints during it's regular meetings with the Office of the Police Ombudsman;
- the Human Resources Committee to obtain further information about the training and supervision of probationary officers during their initial period of service in Districts; and
- the Board to satisfy itself that PSNI Professional Standards Department ensured that professional standards in their widest sense were promoted throughout the organisation and did not focus only on misconduct issues.

It was:-

RESOLVED:

To approve the NIPB Corporate Business Plan for 2010 - 2011.

7. WORKFORCE MODERNISATION

Members considered a paper on PSNI Workforce Modernisation, particularly the Chief Constable's proposal to provide armed security, armed protection and the escorting of explosives used in the quarry industry. Officials advised that new information provided to the Human Resources Committee on 11 March 2010 regarding the future establishment figure for PSNI had impacted significantly on the paper. Members discussed the proposed revision to the establishment figures, which related to the provision of protection services by PSNI. Officials advised that further clarification on

Record No: 133058

the figures would be sought at the Resources and Improvement Committee on 19 March 2010.

It was:-

AGREED:

- that the Human Resources Committee should continue to deal with PSNI Workforce Modernisation;
- that ACC Operational Support Department should be invited to brief the Human Resources Committee on the Workforce Modernisation project; and
- that all Members of the Board should be invited to such a presentation.

8. BRIEFING ON THE UK BORDER AGENCY

The Chairman welcomed representatives from the UK Border Agency to the meeting.

The representatives briefed the Committee on the formation, structure and role of the Agency, which was launched in April 2009. They outlined the accountability mechanisms in place and described the way in which the Agency interacted with PSNI.

Members sought and received further information in relation to:-

- the responsibilities of the Agency for the provision of border and immigration services; customs detection work for HM Revenue and Customs and visa services for the Foreign and Commonwealth Office;
- the liaison arrangements between the Agency and the PSNI;
- inspection and oversight of the Agency;
- the use of PSNI custody accommodation and the relationship with PSNI with regard to the detention of illegal immigrants and asylum seekers; the arrangements for the transfer of detainees to holding facilities in Scotland; and the future provision of purpose built facilities in Northern Ireland;

- provision of accommodation for families that are detained and the protocols/MOUs in place with Social Services in such cases;
- the level of co-operation in relation to assets recovery;
- recent comments made by Lord Carlile in respect of difficulties in the sharing of information between some police forces and the Agency;
- co-operation with An Garda Siochana and cross-border authorities, particularly in relation to organised crime gangs; and
- the Agency's work in tackling employers of illegal workers.

The Chairman thanked the representatives for their contribution and they left the meeting.

Following subsequent discussion, it was:-

AGREED:

- that the Board should write to Lord Carlile to seek clarification of his comments regarding the sharing of information between the UK Border Agency and police forces in the UK;
- that officials should provide an information paper to the Committee at a future meeting on the responsibilities of the various organisations/agencies that had a role in combating organised crime.

9. INFORMATION PAPER

The Committee considered the following information paper:-

**9.1 Update on PSNI Performance Against Part 3 of the Policing Plan
2009 – 2012**

NOTED.

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

It was:-

AGREED:

That officials should draft questions for the Chief Constable in respect of:-

- The budgetary implications for any future change in respect of the PSNI establishment;
- The Chief Constable's perspective on funding of the new training college.

11. COMMUNICATION ISSUES

Members discussed how the Board might position itself for the launch of devolution on 12 April 2010.

It was:

AGREED:

That an implications paper should be prepared for the next Board meeting.

12. ANY OTHER BUSINESS

12.1 Consultation regarding DPPs and CSPs

A Member referred to the timescale of NIO Consultation process on District Policing Partnerships (DPPs) and Community Safety Partnerships (CSPs). The Member expressed concern at the reduced timescale for consultation.

Following discussion, it was:-

AGREED:

That officials should prepare an implications paper for the Board to consider.

12.2 Northern Ireland Affairs Committee Report on the Omagh Bombing

A Member referred to the recent publication of the Northern Ireland Affairs Committee (NIAC) report – ‘ The Omagh Bombing: Some Remaining Questions’ and suggested that the Board would wish to consider whether there were any matters arising from the report that it should pursue. During subsequent discussion, a number of Members expressed concern and surprise that the NIAC Chairman had not been permitted to read the full report by Sir Peter Gibson. A Member referred to a previous undertaking by ACC Crime Operations to review how further information in relation to the Omagh bombing might be shared with the Board.

It was:-

AGREED:

- that a paper should be prepared for the next Board meeting outlining potential issues for the Board arising from the NIAC report;
- that the Committee should put a question to the Chief Constable at the next Board meeting concerning the Northern Ireland Affairs Committee report;
- that Members should receive a copy of the relevant transcript of the Board meeting in public at which ACC Crime Operations indicated he would consider how he might share further information with the Board.

13. DATE OF NEXT MEETING

The date of the next meeting was scheduled for Thursday, 20 May 2010 at 2:00pm.

**14. CHIEF CONSTABLE – PERFORMANCE AND DEVELOPMENT REVIEW
OBJECTIVES 2010 – 11**

A confidential note of this discussion is attached at Annex A.

(Meeting closed at 4:15pm)

Secretariat

March 2010

Chairman