

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 3 FEBRUARY 2011 AT 9:30AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- Mr Brian Rea (Acting Chairman)
- (1) Mr Gearóid Ó hEára (Acting Vice Chairman)
- (1) Ms Martina Anderson
- (2) Mr Dominic Bradley
- Mr Leslie Cree
- Mr Alex Maskey
- (1) Mr Basil McCrea
- Mr Ian McCrea
- (3) Ms Mary McKee
- Mrs Rosaleen Moore
- Professor Sir Desmond Rea
- Mr Trevor Ringland
- Mr David Rose
- Mr Jimmy Spratt

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (4) Mr Matt Baggott (Chief Constable)
- (4) Mrs Judith Gillespie (Deputy Chief Constable)
- (4) Mr Drew Harris (ACC Crime Operations)
- (4) Mr Dave Jones (ACC Rural Region)
- (4) Mr Will Kerr (ACC Criminal Justice)
- (4) Mr Duncan McCausland (ACC Operational Support)
- (4) Mr Joe Stewart, Director of Human Resources
- (4) Mr David Best, Director of Finance & Support Services
- (4) Ms Liz Young, Head of Media & PR
- (4) Superintendent, Command Secretariat

OFFICIALS IN ATTENDANCE:

- Dr Debbie Donnelly (Acting Chief Executive)
- Mr David Jackson (Director of Community Engagement)
- Mr Sam Hagen (Director of Corporate Services)
- Mr David Wilson (Director of Planning)
- (5) Mr Peter Gilleece (Director of Policy)
- 3 Board Officials

- (1) Item number 2 to close**
- (2) Item numbers 1 and 2 only**
- (3) Except Item numbers 10.3, 11, 15 and 16**
- (4) Part Item number 2 only**
- (5) Except Item numbers 1 and 2**

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Barry Gilligan (Chairman), Mr Jonathan Bell, Mr Daithí McKay, Mr Alastair Ross and Mr Suneil Sharma. NOTED.

The Acting Chairman of the Board asked Members to declare any conflicts of interest arising from the agenda. Mr Trevor Ringland declared an interest in relation to hearing loss claims. NOTED.

2. QUESTIONS FOR THE CHIEF CONSTABLE

The Board discussed the questions to be put to the Chief Constable in the private and public sessions.

The Acting Chairman advised Members that he would invite the Chief Constable to comment on the 3rd quarter performance figures during the Board meeting in public and would give Members the opportunity to ask questions.

The Acting Chairman welcomed the Chief Constable and other PSNI representatives to the meeting. Discussion centred on the following issues:-

- Budget projections for the cost of hearing loss claims, and the budgetary commitments/responsibilities of the Treasury, Department of Justice and PSNI in relation to the provision of such funding;

- The police investigation into the death of Damien Gerard Duffy in 2001, the subsequent court case and convictions, and the need for new information to come forward to enable further investigations to be instituted;
- An assessment of the risk of sexual exploitation of young people by organised criminal groups, the global nature of the trafficking of children and young people, and the role of the PSNI and other agencies in identifying workers who were being exploited;
- The co-operation and response of An Garda Siochana to the terrorist threat emanating from the Republic of Ireland;
- The use of 'stop and search' powers by PSNI.

The Board then moved into public session and following the Board meeting in public, the PSNI representatives left the meeting.

3. MINUTES OF THE MEETINGS OF THE POLICING BOARD

3.1 Minutes Of The Policing Board Meeting Held On 2 December 2010

The Board considered the draft minutes of the meeting.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 2 December 2010 be agreed.

3.2 Minutes Of The Policing Board Meeting In Public Held On 2 December 2010

The Board considered the draft minutes of the meeting.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting in public held on 2 December 2010 be approved.

4. MATTERS ARISING FROM THE MINUTES OF THE MEETING

4.1 Minutes Of The Meetings Of The Policing Board (Item 3 Of Minutes Refers)

The Acting Chairman reminded Members that the Board had not agreed minutes of the Board meetings held on 7 October 2010 and 4 November 2010. Following the receipt of legal advice in relation to the wording of the draft minutes of the meeting held on 4 November 2010 and discussion between the Acting Chairman and a number of Members, officials circulated revised wording in respect of item 2.1 of the minutes. The Board considered the revised wording.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meetings held on 7 October 2010 and the revised draft minutes of the meeting held on 4 November 2010 be approved.

A schedule outlining the legal advice obtained from the Crown Solicitor's Office in relation to Board work in respect of the previous 12 months was tabled at the meeting. NOTED.

4.2 Dealing With The Past (Item 4.1 Of Minutes Refers)

Officials advised that following discussions with Members, the consensus view was that, if required, the incoming Board consider this matter. NOTED.

4.3 APA Leadership Development Event (Item 4.2 Of Minutes Refers)

The Acting Chief Executive informed Members that the Association of Police Authorities (APA) had responded positively to the Board's request for the content of Day 2 of the APA Leadership Event to be delivered to Board Members in Belfast.

It was:-

AGREED:

That the APA Leadership component should be included in the training input for the new Board.

4.4 Hearing Loss Claims (Item 4.3 Of Minutes Refers)

Officials advised that a response had not yet been received from the Minister of Justice regarding liability for the costs of hearing loss claims and that when a response was received it would be brought to the Board for consideration. NOTED.

4.5 Independent Assessment Report (Item 7.1.1 Of Minutes Refers)

The Acting Vice Chairman advised that a meeting between Members and Board staff had been held on 6 January 2011, and that a copy of the Independent Assessment report had been circulated by internal email to all Board staff on 11 January 2011. NOTED.

4.6 Terms Of Reference For Appointment Of Change Manager (Item 7.3 Of Minutes Refers)

The Acting Vice Chairman updated Members on the Leadership Group's consideration of the Terms of Reference for the appointment of a Change Manager. He advised that a clause relating to Value for Money (VFM) had been included in the Terms of Reference. The appropriate documentation had been forwarded to Central Procurement Directorate for action. NOTED.

5. ACTING CHAIRMAN'S BUSINESS

5.1 Engagements

The Acting Chairman referred Members to a list of the following engagements which he had undertaken on behalf of the Board:-

- OCTF Stakeholder Group Meeting – Belfast – 8 December 2010;
- Meeting with Minister of Justice regarding Policing Objectives – Belfast – 9 December 2010;
- PSNI Graduation – Belfast – 21 January 2011;
- PSNI Vision Briefing – Belfast – 24 January 2011;
- Launch of the Children and Young People's Thematic Review – Belfast – 26 January 2011;
- Launch of the Human Rights Annual Report – Belfast – 2 February 2011.

NOTED.

5.2 Correspondence

There were no matters arising.

5.3 Special Purposes Committee

The Acting Chairman advised Members that a meeting of the Special Purposes Committee had taken place on 2 February 2011. PSNI representatives had provided the Committee with an update on the progress of the Operation Stafford investigation.

NOTED.

6. CHIEF EXECUTIVE'S BUSINESS

6.1 Members Attendance At Meetings And Events During The Period 31 May 2007 – 31 December 2010 And Members Expenses For The Period 1 April – 31 December 2010

The Board considered a schedule containing details of Members' attendances at Board and Committee meetings and other events and details of Members' expenses. The Acting Chief Executive asked Members to advise Secretariat of any changes by 11 February 2011, prior to publication on the Board's website. NOTED.

6.2 Timetable For Reconstitution Of The Board

The Board considered a confidential memo, tabled at the meeting, from the Acting Chief Executive which provided an indicative timetable set by the Department of Justice for the reconstitution of the Policing Board. NOTED.

6.3 Claims For Expenses 2010 – 2011

The Acting Chief Executive requested that Members arrange for any outstanding travel and expenses claims for the year to date to be forwarded to Secretariat as soon as possible. NOTED.

7. CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE MEETINGS

7.1 Minutes Of The Meeting Of The Corporate Policy, Planning And Performance Committee Held On 16 December 2010

It was:-

RESOLVED:

That the minutes of the Corporate Policy, Planning and Performance Committee meeting held on 16 December 2010 be approved.

The Board discussed a confidential item relating to Chief Police Officers. A confidential note of this item is attached at Appendix 'A'.

7.2 Minutes Of The Meeting Of The Corporate Policy, Planning And Performance Committee Held On 20 January 2011

The Chairman of the Committee referred to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

7.2.1 Correspondence From The Chief Constable (Item 4.3.2 Of Minutes Refers)

7.2.2 Independent Assessment Report (Item 4.3.3 Of Minutes Refers)

7.2.3 Budget 2010 (Item 9 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Corporate Policy, Planning and Performance Committee meeting held on 20 January 2011 be approved.

8. AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

8.1 Minutes Of The Audit And Risk Management Committee Meeting Held On 10 December 2010

The Chairperson of the Committee referred Members to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

8.1.1 Briefing By PriceWaterHouseCoopers On The Bribery Act (Item 5 Of Minutes Refers)

8.1.2 PriceWaterHouseCoopers Internal Audit Progress Report 2010/11 (Item 6 Of minutes Refers)

8.1.3 NIPB Corporate Risk Register And Directorate High Risk Exception Report (Item 7 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Audit and Risk Management Committee meeting held on 10 December 2010 be approved.

9. COMMUNITY ENGAGEMENT COMMITTEE MEETING

9.1 Minutes Of The Community Engagement Committee Meeting Held On 25 November 2010

It was:-

RESOLVED:

That the draft minutes of the Community Engagement Committee meeting held on 25 November 2010 be approved.

9.2 Minutes Of The Meeting Of The Community Engagement Committee Held On 27 January 2011

As the minutes of the meeting of 27 January 2011 were not yet available, the Chairperson of the Committee highlighted the following matters considered by the Committee and outlined Committee discussions/recommendations:-

9.2.1 Policing With The Community

The Committee had considered a report from PSNI on the Refresh of the Policing with the Community Strategy 2020. The general view of the Committee was that the Strategy and the Implementation Plan were essentially nearing agreement between PSNI and the Board. NOTED.

9.2.2 District Policing Partnership (DPP) Effectiveness

The Committee had received an update on the performance of Carrickfergus DPP for 2009/10. A meeting had been held with members of the DPP and the Council Chief Executive and the DPP had been requested to resubmit a report to the Board for consideration at the next Community Engagement Committee meeting.

The Committee had also considered a report on Belfast DPP effectiveness, noting that all 4 Belfast Sub Groups had met between 10 and 12 of the 13 targets and there had been an improvement in overall general attendance of Belfast DPP members. It had been agreed to consider the role of the principal Belfast DPP as part of the work to develop new Policing and Community Safety Partnerships later in 2011. NOTED.

9.3 Consideration Of The Removal From Office Of A District Policing Partnership (DPP) Member

The Board considered a paper containing a recommendation from the Community Engagement Committee that an independent member should be removed from office in light of their unsatisfactory attendance record.

It was:-

RESOLVED:

To approve the recommendation from the Community Engagement Committee that the DPP member should be removed from office as an independent member of Newry and Mourne District Policing Partnership (DPP).

10. HUMAN RESOURCES COMMITTEE MEETING

10.1 Minutes Of The Human Resources Committee Meeting Held On 9 December 2010

The Chairperson of the Committee referred Members to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

10.1.1 Northern Ireland Transitional Allowance And Inspectors And Chief Inspectors Temporary Non Pensionable Supplement (Item 4.2 Of Minutes Refers)

10.1.2 Post Related Allowance For Chief Superintendents (Item 5 Of Minutes Refers)

The Board considered 4 recommendations from the Committee contained in the minutes:-

- That 13 Chief Superintendent posts which had been recommended by PSNI should be approved to receive the Post Related Allowance of £5,001 per annum for the period 1 April 2010 to 21 March 2011.

With regard to the Post Related Allowance for 2011/12:-

- that the PSNI should be advised that the allowance proposals should be made to the Board before discussion with the Superintendents' Association;
- any proposals should reflect the Police Negotiating Board (PNB) guidance, which recommends that nationally, 15% of Superintendents should receive the allowance;
- HMIC should be requested to examine the PSNI proposals and provide a report to the Human Resources Committee.

Members discussed the background to the recommendations particularly the correspondence that the Committee had exchanged in recent months with PSNI regarding the PNB guidance and other matters concerning the allowance; the uncompromising position taken by PSNI in proposing that 13 of 19 posts should receive the allowance in 20010/11; the action taken by PSNI command in advising the Superintendents' Association of the award levels prior to a decision being taken by the Board; and the recognition that the award of the allowance was part of a national agreement. A number of Members indicated that they were not in favour of the recommendations made by the Committee to exceed the 15% PNB guidance in 2010/11.

A Member (Mr Jimmy Spratt) proposed a motion "that the recommendations made by the Human Resources Committee in relation to the Post Related Allowance should be taken forward as proposed in the minutes". The motion was seconded (Mr Ian McCrea). A Member (Mr Jimmy Spratt) requested that a recorded vote be taken on this motion. There being an indication in favour from 3 Members, the Chairman asked that a recorded vote be taken by officials.

The recorded vote of Members was 8 in favour, 3 against, with 1 abstention.

NAME	FOR	AGAINST	ABSTAIN
Ms Martina Anderson		✓	
Mr Leslie Cree	✓		
Mr Alex Maskey		✓	
Mr Basil McCrea			✓
Mr Ian McCrea	✓		
Ms Mary McKee	✓		
Mr Gearóid O'hEára		✓	
Mr Brian Rea	✓		
Professor Sir Desmond Rea	✓		
Mr Trevor Ringland	✓		
Mr David Rose	✓		
Mr Jimmy Spratt	✓		
TOTAL	8	3	1

It was:-

RESOLVED:

That the recommendations made by the Human Resources Committee in relation to the Post Related Allowance should be taken forward as proposed in the minutes.

It was:-

AGREED:

That officials should prepare a schedule showing all the allowances that were payable to PSNI officers, delineating allowances that were agreed at national and local level.

10.1.3 Tender Documents For Selected Medical Practitioner Contracts (Item 6 Of Minutes Refers)

10.1.4 Revised Guidance Booklet On Medical Pensions And Injury On Duty Awards (Item 7 Of Minutes Refers)

It was:-

RESOLVED:

That the minutes of the Human Resources Committee meeting held on 9 December 2010 be approved.

10.2 Minutes Of The Human Resources Committee Meeting Held On 13 January 2011

10.2.1 Resources To Risk (Item 3.3 Of Minutes Refers)

A Member referred to the meeting being arranged with PSNI in relation to the PSNI Resources to Risk Project and suggested that the issue of PSNI reducing budget expenditure by delaying reducing the number of serving officers be raised during the discussion.

It was:-

RESOLVED:

That the draft minutes of the Human Resources Committee meeting held on 13 January 2011 be approved.

10.3 Police (Northern Ireland) Act 2000 – Review Of Temporary Recruitment Provisions

The Committee considered a paper that drew attention to the receipt of a consultation paper for discussion by the Northern Ireland Office relating to the review of Temporary Recruitment Provisions under the Police (Northern Ireland) Act 2000. The paper also highlighted the decision of the Human Resources Committee, which discussed the consultation paper at its meeting held on 9 December 2010, to refer the matter to the Board.

The Board considered the matter. A Member referred to the way in which the Board dealt with the consultation paper in December 2009, by agreeing that it would not be forwarding a corporate view on the proposals, but that each political party and individual independent Member should make separate representations to the Secretary of State as considered appropriate. The Member suggested as it was unlikely there would be a consensus view on the Board's response that it might wish to adopt the same approach.

Following discussion, a Member (Mr Alex Maskey) proposed a motion "that the Board write to the Secretary of State recognising that there has been significant progress made but further progress was required and it was the responsibility of the Secretary of State to ensure that legislation was in place to ensure that PSNI are representative of the community". The motion was seconded (Ms Martina Anderson). A Member (Mr Jimmy Spratt) requested that a recorded vote be taken on this motion. There being an indication in favour from 3 Members, the Chairman asked that a recorded vote be taken by officials.

The recorded vote of Members was 3 in favour, 7 against, with no abstentions. The motion fell.

NAME	FOR	AGAINST	ABSTAIN
Ms Martina Anderson	✓		
Mr Leslie Cree		✓	
Mr Alex Maskey	✓		
Mr Basil McCrea		✓	
Mr Ian McCrea		✓	
Mr Gearóid O'hEára	✓		
Mr Brian Rea		✓	
Mr Trevor Ringland		✓	
Mr David Rose		✓	
Mr Jimmy Spratt		✓	
TOTAL	3	7	0

Following further discussion, it was:-

RESOLVED:

That given the clear divergence of views on the matter among Members the Board should not respond to the consultation paper relating to the review of Temporary Recruitment Provisions under the Police (Northern Ireland) Act 2000.

11. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETINGS

11.1 Minutes Of The Meeting Of The Human Rights And Professional Standards Committee Held On 15 December 2010

The Chairperson of the Committee referred Members to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

11.1.1 Use Of Social Media In Relation To The Launch Of The Children And Young People Thematic Review (Item 4.1 Of Minutes Refers)

11.1.2 Meeting With The Minister Regarding Parades (Item 4.2 Of Minutes Refers)

It was:-

RESOLVED:

That the minutes of the Human Rights and Professional Standards Committee meeting held on 15 December 2010 be approved.

11.2 Minutes Of The Meeting Of The Human Rights And Professional Standards Committee Held On 12 January 2011

The Chairperson of the Committee referred Members to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

11.2.1 Professional Standards Monitoring (Item 5 Of Minutes Refers)

11.2.2 Proposed Reforms To Police Discipline And Unsatisfactory Performance Procedures In Northern Ireland (Item 6 Of Minutes Refers)

11.2.3 Meeting With ACC Crime Operations (Item 7 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Human Rights and Professional Standards Committee meeting held on 12 January 2011 be approved.

The Chairperson of the Committee highlighted the launch event which had taken place on 26 January 2011 in relation to the Children and Young People Thematic Review. He also updated Members about the launch of the Board's Human Rights Annual Report 2010 which had taken place on 2 February 2011. He asked that the Acting Chief Executive thank all staff involved in organising the events.

12. RESOURCES AND IMPROVEMENT COMMITTEE MEETINGS

12.1 Minutes Of The Meeting Of The Resources And Improvement Committee Held On 10 December 2010

The Vice Chairperson of the Committee referred Members to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

12.1.1 Call Management (Item 3.1.1 Of Minutes Refers)

12.1.2 Budget 2010 – Ringfencing Of PSNI Budget (Item 5.2 Of Minutes Refers)

It was:-

RESOLVED:

That the minutes of the Resources and Improvement Committee meeting held on 10 December 2010 be approved.

12.2 Minutes Of The Meeting Of The Resources And Improvement Committee Held On 14 January 2011

The Vice Chairperson of the Committee referred Members to his speaking note, tabled at the meeting, which highlighted the following matters considered by the Committee:-

12.2.1 December 2010 Monitoring Round Submission (Item 3.2.1 Of Minutes Refers)

In response to a question from a Member, officials provided further information in relation to the alternatives being considered regarding issues relating to security measures at Waterside Tower.

12.2.2 Report On Expenditure For December 2010 (Item 5.1 Of Minutes Refers)

In response to a question from a Member, officials advised that a budget of £11m was put in the Management Accounts in January 2011, previously there was no budget allocation. This figure of £11m was at variance from the £12m agreed in the devolution settlement, and also did not address the remainder of the projected spend on hearing loss for the year. The Vice Chairperson advised the Committee had expressed its intent to follow up further on the issue at its next meeting and had agreed that a question should be put to the Chief Constable at the February 2011 Board meeting.

12.2.3 Budget 2010 – Departmental Allocations And Reduction Considerations (Item 7 Of Minutes Refers)

The Vice Chairperson of the Committee highlighted that the main item of business at the January 2011 Committee meeting related to the budget cuts that the Board needed to deliver over the next 4 financial years. He advised that the proposals from the Committee had been considered by the January 2011 meeting of the Corporate Policy, Planning and Performance Committee.

Members discussed the funding process that had been agreed as part of the St Andrews Agreement; the impact that the devolution of policing and justice and the formation of the Department of Justice on the determination of the policing budget; and the timescales for the Assembly to agree the overall Northern Ireland budget. Members also referred to issues surrounding funding for the security budget and the Historical Enquiries Team.

A number of Members expressed concern that insufficient time had been allocated at Board level to consider the budget and expressed discontent at the way in which the Committee was processing the budget. It was suggested that the Board should receive a presentation from the Chairperson of the Resources and Improvement Committee concerning the PSNI and Board budgets at the March 2011 Board meeting. Officials advised that the Board had not yet received the PSNI Budget, but it was anticipated that it would be available for the Committee meeting on 25 February 2011, which all Board Members were welcome to attend.

Following further discussion, it was:

AGREED:

- That the Board should receive a copy of the Board's full Management Accounts;
- That the Board should be provided with details of the special responsibility allowance which is paid to Independent Board Members;
- That officials should prepare information papers in relation to the funding of hearing loss claims and the future funding of the Historical Enquiries Team.

12.2.4 Question For The Chief Constable (Item 9 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Resources and Improvement Committee meeting held on 14 January 2011 be approved, except for the matters relating to the PSNI and Board budgets in respect of which the Board had sought the provision of the full Management Accounts.

13. INFORMATION PAPERS

There were no matters arising.

14. COMMUNICATION ISSUES

A number of Members referred to media coverage on 2 February 2011 of the resignation of 3 PSNI officers following their failure to pass drugs tests and expressed

surprise and discontent that the Board had not been informed by PSNI of the piece or briefed on the matter by the Chief Constable in private session.

It was:-

AGREED:

That a news release should be issued expressing the Board's concerns around circumstances in which a number of officers had resigned from PSNI following the failure of drugs tests, and that the Board had requested a report from the Chief Constable in respect of this matter, through the Human Rights Committee.

15. ANY OTHER BUSINESS

There were no matters arising.

16. DATE OF NEXT MEETING

The date of the next meeting with the Chief Constable was arranged for 3 March 2011 at Waterside Tower, Belfast.

(Meeting closed 3:35pm).

Secretariat

February 2011

Acting Chairman