

## NORTHERN IRELAND POLICING BOARD

### MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 1 SEPTEMBER 2011 AT 9:30AM IN WATERSIDE TOWER, BELFAST

#### PRESENT:

Mr Brian Rea (Chairperson)  
Mr Gearóid Ó hEára (Vice Chairperson)  
Mrs Anne Connolly  
Mr Jonathan Craig  
Mr Ryan Feeney  
Mr Ross Hussey  
Mr Ian McCrea  
Mr Conall McDevitt  
Mr Robin Newton  
Mrs Joan O'Hagan  
(1) Mr Brian Rowntree  
Ms Caitríona Ruane  
Mr Pat Sheehan  
Mr Michael Wardlow  
Ms Deborah Watters

#### POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(2) Mr Matt Baggott, Chief Constable  
(3) Mrs Judith Gillespie, Deputy Chief Constable  
(2) Mr Alistair Finlay, ACC Urban Region  
(2) Mr Dave Jones, ACC Rural Region  
(2) Mr Will Kerr, ACC Criminal Justice  
(2) Mr Alan Todd, A/ACC Rural Region  
(2) Mr Gary White, T/ACC Operational Support  
(3) Mr David Best, Director of Finance and  
Support Services  
(3) Mr Joe Stewart, Director of Human  
Resources  
(2) Ms Una Williamson, Media & PR  
(2) Superintendent John McCaughan, Command  
Secretariat  
(4) Mr Colin McCrossan, Programme Manager  
(4) Inspector, Command Secretariat

#### OFFICIALS IN ATTENDANCE:

Mr Edgar Jardine, Interim Chief Executive  
(5) Dr Debbie Donnelly, Deputy Chief Executive  
(5) Mr David Wilson, Director of Planning  
(5) Mr Peter Gilleece, Director of Policy  
(5) 3 Board Officials

- (1) Part Item number 2 to close
- (2) Item number 14 only
- (3) Item numbers 13 and 14 only
- (4) Item number 13 only
- (5) Except Item number 6.3

## **1. APOLOGIES, ETC**

Apologies were received on behalf of Mr Gerry Kelly, Mr Trevor Lunn, Mr Adrian McQuillan and Mr Stuart MacDonnell. NOTED.

The Chairperson of the Board asked Members to declare any conflicts of interest arising from the agenda. Mr Hussey declared an interest in correspondence being dealt with under item 5.2. NOTED.

## **2. PREPARATION FOR BOARD MEETING IN PUBLIC**

The Interim Chief Executive reminded Members of previous discussion on the format of the September 2011 Board meeting. He updated Members on discussion at Corporate Policy, Planning and Performance Committee and outlined the agreement reached at the Committee about the format for the private session with the Chief Constable; the Board meeting in public, at which a number of clearly identified subject areas would be discussed, and the public meeting on a designated theme. The Interim Chief Executive advised that preparations were in hand for the Chairperson and Vice Chairperson to brief the media at lunch time about the new format.

Members discussed the revised format and the need for contributions from Board Members and PSNI representatives to be kept short and accepted that the number of questions, including supplementaries, could be curtailed by time constraints. The unanimous view was that the Chairperson should endeavour to keep contributions brief and ensure the meetings are kept to the pre-arranged time schedule.

Members discussed the themes to be raised at the September private session and the Board meeting in public. With regard to the Board meeting in public, it was:-

**AGREED:**

That the following themes should be raised:-

- Community confidence in policing, following public disorder over the summer;
- The Chief Constable's response to the Office of the Police Ombudsman(OPONI) reports on the McGurk's Bar and Loughinisland murders;
- The impact of delays in the receipt of forensic scientific reports on police investigations and the performance of PSNI.

During discussion of this item, reference was made to the forthcoming publication of a report by the Criminal Justice Inspector for Northern Ireland (CJINI) on his Review of OPONI and an offer from Dr Maguire to brief the Board on his findings. Members noted that CJINI representatives were due to meet with the Assembly Justice Committee on 8 September 2011.

It was:-

**AGREED:**

That representatives from CJINI should be invited to meet with Members at the October 2011 Board meeting to discuss recommendations arising from the review of OPONI that impacted on the Board's role in holding the Chief Constable to account.

### **3. DRAFT MINUTES OF THE MEETING OF THE POLICING BOARD**

#### **3.1 Minutes Of The Policing Board Meeting Held On 7 July 2011**

The Board considered the draft minutes of the meeting held on 7 July 2011.

It was:-

#### **RESOLVED:**

That the draft minutes of the Policing Board meeting held on 7 July 2011 be agreed.

### **4. MATTERS ARISING FROM THE MINUTES OF THE MEETINGS**

#### **4.1 Briefing On Her Majesty's Inspectorate Of Constabulary Report On the PSNI (Item 3.1.2 Of Minutes Refers)**

The Board considered a response from Sir Dennis O'Connor (HMCIC), of 16 August 2011 in relation to his February 2011 Inspection Report on PSNI. HMCIC referred to a visit by an HMCIC team in July 2011 to review progress against recommendations in the report. HMCIC advised that a short report on their findings was currently being drafted and would be submitted to the Board once it was completed. It was anticipated that the report would be received in mid September 2011.

It was:-

**AGREED:**

To invite HMCIC to arrange for a representative to attend the October 2011 Board meeting to provide an update on progress against the recommendations in the report.

**4.2 Appointment Of Assistant Chief Constable** (Item 3.2.1 Of Minutes Refers)

The Interim Chief Executive updated the Board on the applications had been received in response to the advertisement for Assistant Chief Constable. The meeting to shortlist applicants had been arranged for 15 September 2011, with interviews on 28 September 2011. NOTED.

**4.3 Appointment Of Chief Executive Of The Policing Board** (Item 3.2.2 & 5.8 Of Minutes Refers)

This matter was dealt with under item 6.2.

**4.4 Policing Architecture** (Item 4.2 Of Minutes Refers)

The Corporate Policy, Planning and Performance Committee considered the draft protocol at its July 2011 meeting and agreed that the Deputy Chief Constable should be invited to meet with the Committee in August 2011 Committee to clarify the PSNI concerns and that all Board Members should be invited to attend the meeting. The Deputy Chief Constable had subsequently met with the Committee on 4 August 2011. The Chairperson of the Corporate Policy, Planning and Performance Committee updated Members on this matter at item 7.

**4.5 Seminar On Public Accountability And Governance** (Item 5.2 Of Minutes Refers)

A seminar for all Members on Public Accountability and Governance had been arranged for 2 September 2011 and subsequent to this event, officials undertook to prepare a paper for a future Corporate Policy, Planning and Performance Committee meeting on Corporate Governance and the role of Committees. NOTED.

**4.6 Meetings Between Board Members and Staff** (Item 5.7 Of Minutes Refers)

In view of the Programme of Business for the September 2011 meeting, the first meeting with staff had been deferred until a more opportune time. NOTED.

**4.7 Whistle Blowing Policy – Board Contact** (Item 5.9 Of Minutes Refers)

Mrs Joan O'Hagan had agreed to act as the Whistle Blowing Champion and all Board staff had been advised of her role. NOTED.

**4.8 McCaughey Judicial Review: Supreme Court Judgement** (Item 9 Of Minutes Refers)

A reply was awaited from PSNI on how the decision of the Supreme Court Judgement will impact on the Service. NOTED.

**4.9 Disposal Of PSNI Estate** (Item 13 Of Minutes Refers)

The Chairperson had written to the Deputy Chief Constable advising of the Board's approval to the disposal of Garnerville and Steeple and noting the role of the Board in the disposal of police stations and sites. NOTED.

Members noted that it was previous practice for decisions on estate disposals to be taken by the Board, rather than the Resources and Improvement Committee.

It was:-

**AGREED:**

That the Estate Strategy should be considered by the Resources and Improvement Committee, and estate disposals by the Board.

**4.10 Police Ombudsman's Report Into the Loughinisland Murders (Item 15.2 Of Minutes Refers)**

This matter was dealt with under item 10.

**5. CHAIRPERSON'S BUSINESS**

**5.1 Engagements**

The Board considered a list of the Chairperson's engagements since the last meeting.

NOTED.

**5.2 Correspondence**

The Chairperson highlighted the following correspondence which had been received/issued:-

- Letter from Ross Hussey dated 21 July 2011 enclosing correspondence from the Omagh Support and Self Help Group.

It was:-

**AGREED:**

- That the content of the correspondence from the Omagh Support and Self Help Group, should be raised with the Chief Constable during the meeting in private session;
- Correspondence from ACC Urban Region dated 26 August 2011 in relation to the Terms of Reference for a 'Review of The Public Order Response by the PSNI'. It was anticipated that the Review would commence in September 2011 and that the report would be available by the end of 2011.

It was:-

**RESOLVED:**

- That the Board should participate in the Review of the Public Order Response by the PSNI;
- The Chairperson referred Members to a letter, which was circulated at the meeting, dated 30 August 2011 from British/Irish Rights Watch and the Pat Finucane Centre. The letter related to the Police Ombudsman's Report into the McGurk's Bar bombing in December 1971. The Board was advised that the Human Rights and Professional Standards Committee would consider the letter at its next meeting.

NOTED.

### **5.3 Contact Cards**

It was:-

#### **AGREED:**

That officials should make arrangements to circulate contact cards containing mobile telephone numbers and e-mail addresses in respect of each Member.

## **6. CHIEF EXECUTIVE'S BUSINESS**

### **6.1 Programme Of Board Meetings 2012**

The Board considered a paper containing a proposed programme of Board meeting dates for 2012.

It was:-

#### **AGREED:**

To approve the dates contained in the schedule.

### **6.2 Briefing On Public Accountability And Governance – 2 September 2011**

The Interim Chief Executive reminded Members that a briefing on public accountability and governance had been arranged for 2 September 2011. He highlighted the serious implications for both the Board and individual Members in relation to public accountability and governance responsibilities and urged all Members to attend the event.

A number of Members indicated they were not available and the Interim Chief Executive undertook to consider the practicality of rerunning the briefing on a future occasion for those who were not available.

### **6.3 Organisational Review Of Northern Ireland Policing Board**

The Interim Chief Executive spoke to the paper on the implementation of the Organisational Review of Board's staff. The Board:

- a) Noted the Terms of Reference for the review of ICT (Annex A).
- b) Considered and Approved the Organisational and Staffing structures.
- c) Noted the draft timetable for the Chief Executive appointment and agreed to the Appointment Panel's reviewing the Job Description, Personal Specification and related paperwork for the Chief Executive post at its meeting on 15 September 2011.
- d) Noted the work-in-progress in respect of PS/EO11 and AO/AA grades.
- e) Agreed that the Deputy Chief Executive is advised of notice of [redundancy].
- f) Noted matters in relation to Trade Union Consultation, Staff Briefing, Accommodation and Cultural Change.
- g) Agreed that the full KPMG Organisational Review should be published on the NIPB website subject to the Interim Chief Executive being satisfied that there were no issues around personal data.

## **7. CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE MEETING**

The Chairperson of the Committee highlighted the following recommendations and actions arising from the Corporate Policy, Planning and Performance Committee meetings held on 28 July and 4 August 2011. A copy of the Chairperson's speaking note was included in the papers.

## **7.1 Meeting Held On 28 July 2011**

### **7.1.1 Recommendations**

#### **Leadership Group**

The Committee recommended:-

- That the Board should approve the establishment of a Sub-Committee of Corporate Policy, Planning and Performance Committee to form a Leadership Group comprising the Chairperson and Vice Chairperson of the Committee, one Member from each political party and 2 independent Members;
- That the need for the Leadership Group be reviewed after 6 months.

It was:-

#### **RESOLVED:**

To approve the recommendations from the Committee in respect of the Leadership Group.

### **7.1.2 Actions**

#### **'Change And Challenge' Conference**

The Committee had resolved that the Board should jointly host a "Change and Challenge" Conference in November 2011 with PSNI, in partnership with the University of Ulster and that the Chairperson and Vice Chairperson of the Board should represent NIPB on the Conference Steering Group, supported by the Board's Communication Manager.

## **7.2. Meeting Held On 4 August 2011**

### **7.2.1 Actions**

#### **Draft Policing Protocol**

The Committee had considered the Draft Policing Protocol and officials were making appropriate arrangements for a revised Protocol document to be brought to a future Board meeting for endorsement. Following Board endorsement, the Protocol would then be taken forward with the Department of Justice and subsequently, the Assembly Committee for Justice.

#### **PSNI Project Boards**

The Chairperson of the Committee informed Members about discussion with the Deputy Chief Constable on PSNI Project Boards. He advised that Members would consider the most appropriate form of Board involvement in the Project Boards at a future Committee meeting.

#### **District Accountability Meetings**

The Committee had agreed that arrangements should be made to ensure all Members of the Board were invited to future District accountability meetings.

#### **Public Session Of The Board Meeting**

The Chairperson of the Committee informed Members about the Committee's discussion and agreements with regard to the format of the September and future Board meetings.

A Member requested that a list of all the proposed thematic issues be circulated to Members when it was finalised.

## **8. COMMUNITY ENGAGEMENT COMMITTEE MEETING**

The Vice Chairperson of the Committee highlighted the following recommendations and actions arising from the Community Engagement Committee meeting held on 27 July 2011. A copy of the Chairperson's speaking note was included in the papers.

### **8.1.1 Recommendations**

#### **Operation Of The Joint Committee In Relation To PCSPs**

The Committee recommended:-

That the Board should be represented on the Joint Committee for oversight of Police and Community Safety Partnerships (PCSPs) by the Chairperson and Vice Chairperson of the Community Engagement Committee and by one Board official.

Members discussed the appointment, and it was:-

#### **RESOLVED:**

To adopt the recommendation from the Committee and that the Board official should be the Chief Executive.

#### **PCSPs – Funding Model**

The Committee recommended:-

That the Board should continue to support a single funding stream for PCSPs.

It was:-

**RESOLVED:**

To adopt the recommendation from the Committee.

**8.1.2 Actions**

**Policing And Community Safety Partnerships – DOJ Consultation On Implementation**

The Committee had agreed to write to the Justice Minister:-

- (1) To request an extension to the consultation on the implementation of Policing and Community Safety Partnerships (PCSPs) due to the consultation taking place over the summer and to enable the new Board to have time to consider the issues.
- (2) To ask the Minister to consider the arrangements in place whereby members of the District Policing Partnership who leave office during the transitional period between the last Local Government election and the establishment of PCSPs are not replaced.
- (3) To request that the Minister reconsider the decision not to pay an allowance to the members of the PCSPs.

NOTED.

## **9. HUMAN RESOURCES COMMITTEE MEETING**

The Vice Chairperson of the Committee highlighted the following recommendations and actions arising from the Human Resources Committee meeting held on 11 August 2011. A copy of the Chairperson's speaking note was included in the papers.

### **9.1 Recommendations**

The Committee recommended:-

That the Board should give delegated authority to the Human Resources Committee:-

- (1) To agree and 'sign off' the Board's response to the consultation on the strategy at the next Committee meeting on 8 September 2011.
- (2) To give final approval to the strategy, at the October 2011 Committee meeting.

It was:-

#### **RESOLVED:**

To approve the recommendations of the Committee.

### **9.2 Actions**

#### **Secondments Of PSNI Officers**

The Committee had agreed that the approved policy in relation to the secondment of PSNI officers [under Section 8 of the Police (Northern Ireland) Act 2000] should be amended. The procedure whereby in the eventuality that it was not possible for the Committee to consider a request and the request is considered by the Chairperson of the Board, the

Chairperson and the Vice Chairperson of the Committee, that the Vice Chairperson of the Board also be given authority to approve the secondment.

### **Appeal Panel – Regulation 32**

The Committee had agreed that an Appeal Panel under Regulation 32(13) of the PSNI Regulations 2005 be set up, comprising the Chairperson, Vice Chairperson and Mr MacDonnell to consider an appeal received from a police officer in relation to a career development break.

### **CJINI – Workforce Modernisation**

The Committee had approved the Terms of Reference for the Workforce Modernisation Inspection, in keeping with the MOU with CJINI.

NOTED.

## **10. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING**

The Chairperson of the Committee highlighted the following recommendations and actions arising from the Human Rights and Professional Standards Committee meeting held on 11 August 2011. A copy of the Chairperson's speaking note was included in the papers.

### **10.1 Recommendations**

#### **Appointment Process For Human Rights Advisor**

The Committee recommended:-

That the Board should give approval for the recruitment of a Human Rights Advisor to be processed through a public appointments process, rather than a contract for services or an employment contract.

It was:-

**RESOLVED:**

To approve the recommendation of the Committee.

**10.2 Actions**

**Children And Young People Thematic**

The Committee had considered a paper on a thematic review of Children and Young People and the PSNI response to the recommendations. The PSNI had accepted 29 out of the 30 recommendations.

**Thematic Review of Police Powers to Stop, Search and Question**

The Committee had agreed to meet with the Independent Reviewer of the Justice and Security Act, Mr Bob Whalley and the Independent Reviewer of the Terrorism Act, Mr David Anderson QC.

**Article In Police Beat Magazine**

The Committee had agreed that a meeting should take place between the Chairperson and Vice Chairperson of the Committee and a representative from the Police Federation to discuss an article that appeared in the February 2011 edition of Police Beat, and that the Board should seek a 'right of reply' before any meeting took place.

## **OPONI Report Into the Loughinisland Murders**

The Committee had met with the Police Ombudsman and ACC Crime Operations to discuss the OPONI findings.

NOTED.

### **11. RESOURCES AND IMPROVEMENT COMMITTEE MEETING**

The Chairperson of the Committee highlighted the following actions arising from the Resources and Improvement Committee meeting held on 19 August 2011.

#### **11.1 Actions**

##### **In Year Monitoring Round**

The Committee had agreed to submit the Board's In Year Monitoring Round to DOJ.

##### **Assisted Removals**

The Committee had agreed a series of issues concerning Assisted Removals.

##### **PSNI Finance**

The Committee recognised the serious challenge facing the future financing of the PSNI and had asked officials to outline options for how the Board should deal with future PSNI business cases. The Committee had agreed to review PSNI overtime expenditure at its October 2011 meeting to determine if the budget forecast is achievable and whether the current pressure remains.

During discussion of this item a Member requested details of PSNI overtime figures for border areas.

NOTED.

## **12. INFORMATION PAPERS**

### **12.1 Conference Programme – Change And Challenge Conference**

It was anticipated that a paper would be available on the programme for the Change and Challenge Conference, however, officials advised that the appropriate information had not yet been received and the final programme would be circulated as soon as it becomes available. NOTED.

A Member referred to the need for a discussion in relation to attendance at the conference, and officials advised that this would be included in the agenda of the next Board meeting.

### **12.2 Members Attendances At Meetings And Events During The Period 1 June – 31 July 2011 and Members Expenses For The Period 1 April – 30 June 2011**

NOTED.

## **13. BRIEFING BY PSNI ON PUBLIC SERVICES TRAINING COLLEGE, DESERTCREAT**

The Chairperson welcomed the Deputy Chief Constable and her colleagues to the meeting. The Deputy Chief Constable gave an overview on the Public Services Training College at Desertcreat. A copy of the slides used in the presentation is attached at Annex 'A'.

The Deputy Chief Constable described the vision for the College and outlined the strategic objectives and strategic principles behind the project. She described the intended benefits and gave funding details and the proposed construction timetable and delivery. Members viewed a computerised simulation of the site, accommodation and future development.

In the discussion following the presentation, Members sought and received further information in relation to:-

- The disposal of the Garnerville and Steeple sites;
- Future plans for income generation and the opportunity that the College provided to articulate cultural change;
- The potential for participation of other public service partners in the venture, e.g. the Northern Ireland Ambulance Service, Probation Board Northern Ireland, Forensic Science Northern Ireland, local councils;
- The use of the facility by the local community;
- The level of participation by university and other education establishments.

The Chairperson thanked the Deputy Chief Constable and her colleagues for their contribution.

#### **14. QUESTIONS FOR THE CHIEF CONSTABLE**

The Chairperson welcomed the Chief Constable and his colleagues to the meeting.

Members asked the Chief Constable to comment on the impact on community confidence of arrests, where no charges followed; the confiscation of property where this was not returned for a considerable period of time; and the competence of his investigating officers.

In the discussion which followed, the Chief Constable advised that while PSNI were mindful of the impact and perception of the local community on policing operations, that

the Service was duty bound to make arrests where there were appropriate grounds to do so. He suggested that in many instances, a considerable period of time elapsed between an initial arrest and a subsequent prosecution as investigations could take a long time.

With regard to the seizure of property and the length of time taken to return to the owners, particularly in the case of students who required laptops for study, the Chief Constable advised that he would review the opportunities to improve the time taken to return such items. The Chief Constable advised that investigators were highly trained to European standards.

A number of Members referred to the cumulative effect on local communities of a number of incidents where the local community considered that PSNI actions were detrimental to community police relations. The Chief Constable responded that each case was different and investigated on its own merits.

Members discussed the use of AEPs in Northern Ireland during the summer months and the way in which public disorder in England had been policed, without the use of AEPs. The Chief Constable responded that AEPs were used to prevent serious injury/death, he suggested that the scenarios in Northern Ireland and England were different and advised Members that a review of the policing of public disorder would shortly be carried out, and invited the Board to participate in the review.

The Chief Constable was asked for and provided an update on the police operation associated with a forthcoming court case arising out of Operation Ballast.

The Chief Constable was asked to comment on the PSNI employment and recruitment of agency staff and consultants who were former police officers. Members were advised that there were no former officers employed as consultants, the number of agency staff had fallen from 600 to 370 and that PSNI reliance on agency staff was reducing. In response to other questions, PSNI representatives advised that it would not be legally possible to bar former police officers from being recruited as agency staff, but that any former officer who had engaged in any unlawful activity would not be recruited.

A Member sought information on when a meeting would be arranged between the PSNI and the Omagh Support and Self Help Group. ACC Rural Region advised that the meeting would be arranged as soon as practically possible and undertook to advise the Member of the date arranged when it was finalised.

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

#### **15. COMMUNICATION ISSUES**

Members discussed and agreed lines against possible media enquiries about the CJINI report on the Police Ombudsman's Office and the letter received from British/Irish Rights Watch/Pat Finucane Centre concerning the McGurk's Bar bombing.

#### **16. ANY OTHER BUSINESS**

There were no matters arising.

#### **17. DATE OF NEXT MEETING**

The next Policing Board meeting was arranged for Thursday, 6 October 2011 at 9:30am in Waterside Tower, Belfast.

(Meeting closed 1:40pm)

#### **Member Services**

**September 2011**

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**Chairperson**