

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 6 OCTOBER 2011 AT 9:30AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

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

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(3) Mr Matt Baggott, Chief Constable
(3) Mrs Judith Gillespie, Deputy Chief Constable
(3) Mr Alistair Finlay, ACC Operational Support
(3) Mr Drew Harris, ACC Crime Operations
(3) Mr Dave Jones, ACC Rural Region
(3) C/Superintendent Peter Farrar, Criminal
Justice Department
(3) Mr David Best, Director of Finance and
Support Services
(3) Mr Joe Stewart, Director of Human
Resources
(3) Ms Liz Young, Head of Media & PR
(3) Superintendent John McCaughan, Command
Secretariat

CRIMINAL JUSTICE INSPECTION NI IN ATTENDANCE:

(4) Dr Michael Maguire, Chief Inspector
(4) Mr Brendan McGuigan, Deputy Chief
Inspector

OFFICIALS IN ATTENDANCE:

Mr Edgar Jardine, Interim Chief Executive
Mr David Jackson, Director of Planning,
Performance & Partnership
(5) Mr David Wilson, Director of Support Services
Mr Peter Gilleece, Director of Policy
3 Board Officials

- (1) Item number 2 to close**
- (2) Item number 11 to close**
- (3) Item number 15 only**
- (4) Item number 14 only**
- (5) Item numbers 1 to 14**

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Gerry Kelly. NOTED.

The Chairperson of the Board asked Members to declare any conflicts of interest arising from the agenda. No conflicts of interest arising from the agenda were declared.

2. PREPARATION FOR BOARD MEETINGS IN PRIVATE AND PUBLIC SESSION

The Interim Chief Executive referred to his letter of 21 September 2011, in which he outlined the recommendations made by the Corporate Policy, Planning and Performance Committee following its review of the format of the first Board meeting held on 1 September 2011. He reminded Members that the Committee had agreed that the basic format should be retained and outlined a number of suggested refinements. Members indicated that they were content to incorporate the revisions in the format of future Board meetings.

Following discussion, Members agreed the subject areas to be raised with the Chief Constable later in the meeting during the private session and the Board meeting in public.

Members discussed the theme for the November 2011 public meeting. The Chairperson reminded Members that it had been proposed that the theme would be "streamlining justice", and that a proposal had been received to change the theme to "human trafficking". Officials advised that a number of issues relating to streamlining justice would be on the agenda for the forthcoming NIPB/PSNI Change and Challenge

conference in November 2011 and that it would be more appropriate to hold a public meeting on the theme after the conference.

During subsequent discussion, it was:-

AGREED:

That the theme for the December 2011 public meeting – “PSNI Engagement With Loyalist And Republican Communities” should be brought forward to November and that the theme for December should be “Human Trafficking”.

Officials undertook to circulate a copy of a report from the Cross Community Consortium on issues affecting loyalist and republican communities in relation to policing, which had been considered at the Community Engagement Committee meeting on 22 September 2011 to all Members of the Board.

3. DRAFT MINUTES OF THE MEETINGS OF THE POLICING BOARD

3.1 Draft Minutes Of The Policing Board Meeting Held on 1 September 2011

The Board considered the draft minutes of the meeting held on 1 September 2011.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 1 September 2011 be agreed.

3.2 Draft Minutes Of The Policing Board Meeting In Public Held on 1 September 2011

The Board considered the draft minutes of the meeting in public held on 1 September 2011.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting in public held on 1 September 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 4.1 Of Minutes Refers)

The Board noted that Sir Denis O'Connor, Her Majesty's Chief Inspector of Constabulary had been invited to attend the November 2011 Board meeting. NOTED.

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

The Chairperson advised that the Appointment Panel had met on 28 September 2011 to interview candidates for the post of Assistant Chief Constable. An appointment had not yet been made and a further meeting of the Appointment Panel had been arranged for 6 October 2011. NOTED.

4.3 Appointment Of Chief Executive Of The Policing Board (Item 4.3 & 6.2 Of Minutes Refers)

A Member referred to a decision taken by the Board on 1 June 2011 concerning the composition of the Appointment Panel for the recruitment competition for a Chief Executive of the Policing Board and suggested that the Board should review the composition, in light of the workload already placed on Members of the ACC Appointment Panel and to ensure the appointment process was taken forward as quickly as possible.

Members discussed the composition of the Appointment Panel, the advantages and disadvantages of 2 separate Appointment Panels and the learning experiences of the Assistant Chief Constable Appointment Panel.

Following further discussion, it was:-

AGREED:

That officials should prepare an options paper, including an outline timetable, for the Corporate Policy, Planning and Performance Committee to consider and make recommendation to the Board on the composition of the Chief Executive Appointment Panel.

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

Members were informed that a reply had been received from PSNI on 13 September 2011, advising that it was not possible at this stage to quantify the impact the Supreme Court Judgement in respect of inquests and that PSNI undertook to keep the Board informed of developments. NOTED.

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:-

- The Chairman of the Association of Forensic Medical Officers of Northern Ireland regarding a news release issued by the Board;
- The President of the Ulster Farmers Union regarding rural crime;
- A request from Kevin Winters & Co, Solicitors for a copy of the transcript of the Board meeting with the Chief Constable on 1 September 2011 in relation to discussion of the McGurks' Bar bombing.

6. CHIEF EXECUTIVE'S BUSINESS

6.1 Governance Training

The Interim Chief Executive advised that a paper seeking an indication of Members availability would be circulated later in the meeting and that he would further consider the practicality of rerunning training on public accountability and governance. The Interim Chief Executive indicated that it was unlikely that the course would be run again before January 2012. NOTED.

6.2 Update On Organisational Review Of Northern Ireland Policing Board

The Board considered a paper outlining progress on the implementation of the organisational review. In response to questions from Members, the Interim Chief Executive advised:-

- That the recommendation to downgrade the Chief Executive post from Grade 3 to Grade 5 had been independently validated and that the post would be advertised at Grade 5 level;
- The Deputy Chief Executive post had been suppressed and the Deputy Chief Executive would be leaving the Board on compulsory early retirement;
- A paper would be brought to a future Resources and Improvement Committee outlining the budgetary savings that would be achieved through the implementation of the organisational review;
- That the recommendation to pool administrative staff had not been accepted, the consensus among Board Managers being that a single pool was unworkable;
- That staff who had received new duties as a result of internal organisation were being provided with 'on the job' training. A Member sought reassurance regarding levels of expertise and assurance that training be provided as appropriate.

It was:-

AGREED:

- That the recommendations contained in the paper should continue to be progressed as proposed;
- That with regard to recommendation 2.12 in relation to the restriction of agency staff, that the remaining temporary Staff Officer post should be publicly advertised and filled as a permanent post.

The Interim Chief Executive advised that the report prepared by KPMG on the organisational review of the Board had been published on the Board's website.

The Chairperson commended the Interim Chief Executive for his professional approach to taking forward the implementation of the organisational review.

7. CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE

The Chairperson of the Committee highlighted the following recommendations arising from the Corporate Policy, Planning and Performance Committee meeting held on 15 September 2011. A copy of the Chairperson's speaking note outlining actions taken under delegated authority was included in the papers.

7.1 Recommendations

Meeting With Probation Board For Northern Ireland (PBNI)

The Committee recommended:-

That the Board should approve the arrangement of a meeting between the Community Engagement Committee and representatives from the Probation Board for Northern Ireland.

It was:-

RESOLVED:-

To approve the arrangement of a meeting between the Community Engagement Committee and the PBNI.

Lead Members

The Committee recommended:-

That the Board should identify Lead Members for key policing business areas.

The Chairperson of the Committee referred Members to a paper which identified Lead Members for key policing business areas; the responsibilities of Lead Members; and proposed Lead Members for identified business areas. Officials advised that Lead Officials would give advice and where necessary, arrange training for Lead Members in respect of their new responsibilities.

Following discussion:-

It was:-

RESOLVED:

To approve the recommendations from the Committee in relation to Lead Members.

It was:-

AGREED:

- That Appendix 2 of the paper which identified each Lead Member should be amended to include the name of the Lead Official;
- That details of Lead Members and officials should be published on the Board's website;
- That the Corporate Policy, Planning and Performance Committee should review the Lead Member arrangements in 6 months' time.

8. AUDIT AND RISK MANAGEMENT COMMITTEE

The Chairperson of the Committee highlighted the following recommendations arising from the Audit and Risk Management Committee meeting held on 30 September 2011.

A copy of the Chairperson's speaking note outlining actions taken under delegated authority was included in the papers.

8.1 Recommendations

Report On The Review Of The Format, Timing And Content Of Information Supplied To The Board By PSNI

The Committee recommended:-

That following consideration by Senior Management Team (SMT), the Board should consider the report on the Review of the Format, Timing and Content of Information Supplied to the Board by PSNI.

PSNI And NIPB Management Statements And Financial Memorandums

The Committee recommended:-

That the Resources and Improvement Committee should consider and make recommendation to the Board regarding approval of both the PSNI and NIPB Management Statements and Financial Memorandums.

It was:-

RESOLVED:

To approve the recommendations by the Committee concerning the Review on the Format, Timing and Content of Information Supplied to the Board by PSNI and the PSNI and NIPB Management Statements and Financial Memorandums.

9. COMMUNITY ENGAGEMENT COMMITTEE

The Vice Chairperson of the Committee highlighted the following recommendations arising from the Community Engagement Committee meeting held on 22 September 2011. A copy of the Vice Chairperson's speaking note outlining actions taken under delegated authority was included in the papers.

9.1 Recommendations

Appointment of Independent Members To Policing And Community Safety Partnerships (PCSPs)

The Committee recommended:-

That in relation to the Board's role in appointing independent members to PCSPs, not to consider the candidate's position following interview as part of the appointment process.

The Board considered a paper in relation to consideration of a candidate's position following interview as part of the Board's role in appointing independent members to PCSPs and District Policing and Community Safety Partnerships (DPCSPs).

In response to questions, Members were advised that correspondence had been issued in relation to the appointment process, but the recruitment process had not yet commenced. Members were advised that the first part of the process would seek political membership of the PCSPs, the Board would then seek to appoint independent members to ensure that the political and independent member representation on the PCSPs and the DPCSPs is representative of the community.

A Member referred to a number of councils which did not use the D'Hondt system to determine political representation and sought clarification of the Board's statutory responsibilities to highlight where councils did not utilise D'Hondt. Officials advised that they would review the legislation and advise Members accordingly.

It was:-

RESOLVED:

To approve the Committee's recommendation in relation to the appointment of independent members to PCSPs.

Report On Issues Affecting Loyalist And Republican Communities In Relation To Policing

The Committee recommended:

That the report from The Cross Community Consortium on issues affecting loyalist and republican communities in relation to policing, should be a theme for a future public meeting of the Board.

It was:-

RESOLVED:

To approve the recommendation from the Committee regarding the inclusion of the report as a theme for a future public meeting.

Officials undertook to supply all Members of the Board with a copy of the report.

10. HUMAN RESOURCES COMMITTEE

The Chairperson of the Committee referred Members to the copy of the Chairperson's Speaking Note in respect of actions taken under delegated authority arising from the Human Resources Committee meeting held on 8 September 2011. NOTED.

10.1 Actions

PSNI Secondments

A Member referred to the Committee's action in approving the secondment of a PSNI officer on a short term international secondment to Indonesia. The Member highlighted Committee concern at the information provided by the PSNI to enable a decision to be reached and that the Committee had asked to be provided with additional information when future secondment requests were being submitted.

11. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE

The Chairperson of the Committee referred Members to the copy of the Chairperson's Speaking Note in respect of actions taken under delegated authority arising from the Human Rights and Professional Standards Committee meeting held on 8 September 2011. NOTED.

12. RESOURCES AND IMPROVEMENT COMMITTEE

The Vice Chairperson of the Committee highlighted the following recommendations arising from the Resources and Improvement Committee meeting held on 16 September 2011. A copy of the Chairperson's Speaking Note outlining actions taken under delegated authority was included in the papers.

12.1 Recommendations

Police Estate

The Committee recommended:

That the Board should approve the disposal of surplus lands at Lisburn and Craigavon.

It was:-

RESOLVED:

To approve the recommendation from the Committee.

13. INFORMATION PAPERS

13.1 Police Detention And Time Spent On Bail

13.2 Briefing On The Annual Report Of The Office Of The Police Ombudsman

13.3 Confidential Briefing Note Regarding Assisting Offenders

NOTED.

14. BRIEFING BY CRIMINAL JUSTICE INSPECTION FOR NORTHERN IRELAND (CJINI)

The Chairperson referred Members to a briefing note which provided an overview of a recent report published by the Criminal Justice Inspection for Northern Ireland into the Independence of the Office of the Police Ombudsman for Northern Ireland and other CJINI reports of interest to the Board. NOTED.

The Chairperson welcomed Dr Michael Maguire, Chief Inspector of CJINI and Mr Brendan McGuigan to the meeting.

The Chief Inspector welcomed the opportunity to meet with the Board and advised that he hoped this would be the first of a series of meetings between the 2 organisations to discuss the potential for future collaboration for the Board on their respective Programmes of Work.

The Chief Inspector outlined the background to his review, methodology and summarised the findings of his inspection into the independence of the Office of the Police Ombudsman for Northern Ireland (OPONI). In summary, he advised that:-

- The legislative framework on which OPONI operates is solid and provides a strong framework for its operational independence;
- There were no major concerns in relation to the investigation of current cases, however there were significant concerns around how sensitive, complex and high profile historical cases were currently investigated and handled;
- There were a number of concerns regarding the handling of historic cases, including flawed investigative processes, reports being published that had been 'heavily influenced and buffeted' by feedback from non-governmental organisations, families, their legal representatives and PSNI, resulting in a lack of confidence in how the investigative processes are managed within OPONI and an inconsistent approach in how families were briefed on findings;
- There were serious divisions within the Senior Management of the organisation which had affected the overall operation of the Office.

The Chief Inspector outlined the 6 recommendations made in the report to address the significant management issues identified.

Members sought and received further comment from the Chief Inspector regarding:-

- Whether there were any recommendations arising from the report which would impact on the Board's role of holding the Chief Constable to account and if there was anything in his findings that would indicate a potential risk for the Board.

The Chief Inspector advised that he had made no recommendations in respect of PSNI and there was no evidence of issues relating to the PSNI. The nature of the interface between PSNI and OPONI is complex. The Chief Inspector advised that as a revised OPONI approach unfolds, protocols

between PSNI and OPONI would be reviewed and revised and that his primary focus had been on OPONI rather than PSNI.

It was:-

AGREED:

That CJINI would provide a brief summary of any issues arising from the report that impacted on the Board's role in holding PSNI to account.

- The impact of a diminution of public confidence in OPONI on overall confidence in policing;
- Whether there were any legal issues or flaws in the framework whereby the Chief Constable could choose not to abide by a determination of OPONI;
- The sharing of draft reports for factual accuracy and the need for consistency in approach;
- The expectation of families and others in receiving oral briefings and the impact of subsequent published reports being significantly different from initial briefings;
- Quality assurance concerns;
- The lack of an appropriate audit trail to indicate why changes had been made to OPONI reports;
- Concerns raised about the level of involvement and nature of discussion between PSNI and OPONI before publication of reports;
- CJINI comment on the Ombudsman's Article 2 responsibilities - the Chief Inspector advised that this was not within his remit;
- The potential for reputational risk to the Board and the need for the Board to seek assurance that there is a robust professional relationship between OPONI and the PSNI.

It was:-

AGREED:

That a follow-up meeting should be arranged between the Chairperson, Vice Chairperson and CJINI representatives to discuss issues of common interest.

The Chairperson thanked Dr Maguire and Mr McGuigan for their contribution and they left the meeting.

15. PRIVATE SESSION WITH THE PSNI SERVICE EXECUTIVE TEAM

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

A Member sought further information about changes in procedures for the vetting of contractors working in the PSNI estate. The PSNI representatives advised that procedures had been revised to meet national standards agreed by the Association of Chief Police Officers (ACPO) and confirmed that all contractors were advised by PSNI of the vetting requirements in contract specification documentation.

The Vice Chairperson advised the Chief Constable that the Board had met with Dr Michael Maguire, Chief Inspector of CJINI, to discuss his findings and recommendations following his recent review of OPONI. Members sought assurance that current interactions between PSNI and OPONI are robust and professional.

The Chief Constable advised, that while he was unsighted as to the comments of Dr Maguire at the meeting, his report in terms of PSNI engagement with OPONI was positive and that Dr Maguire had not made any recommendations in respect of PSNI. The Chief Constable advised that PSNI took a pragmatic approach to engagement with OPONI and sought to ensure the integrity of the process throughout its dealings with the Office. The meeting discussed the relationship between OPONI and PSNI, the impact on policing in general of a negative report on OPONI and what responsibility the Chief Constable has in accepting or rejecting recommendations and directions made by the Ombudsman.

A Member referred to seizure of electronic data and equipment from journalists and sought comment on the protocols in place to defend freedom of the press. PSNI indicated that their paramount consideration was a duty to investigate serious crime/public disorder and that the overall approach used was in line with Article 10 of the Human Rights Act 1998. The PSNI representatives referred to the role of the court system in applying proportionality regarding the confiscation of items.

A Member referred to recent media reports about the destruction of material held in PSNI Gough in 1998 and sought information about an audit trail regarding the reasons for destruction. Members were advised that various alternatives were looked at before destruction, following the contamination of documentation by water and asbestos dust. The PSNI undertook to provide the Member with a synopsis of the decision making process. Members were also advised that some of the destroyed material had been recorded onto the computerised HOLMES system and that these records were still available. Members discussed asbestos contamination in other areas of the police estate, including Seapark and Sprucefield.

16. COMMUNICATION ISSUES

It was:-

AGREED:

That a news release should be issued welcoming confirmation that the business case for the new Public Services Training College at Desertcreat had received approval.

17. ANY OTHER BUSINESS

There were no matters arising.

18. DATE OF NEXT MEETING

The next Policing Board meeting was arranged for Thursday, 3 November 2011 at 9:30am in Waterside Tower, Belfast.

(Meeting closed 1:15pm).

Member Services

October 2011

Chairperson