

NORTHERN IRELAND POLICING BOARD

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

PRESENT:

MEMBERS:

Mr Brian Rea (A/Chairman)
Mr Gearóid Ó hEára (A/Vice Chairman)
Ms Martina Anderson
(1) Mr Alex Attwood
(2) Mr Tom Buchanan
(3) Mr Leslie Cree
(4) Mr Alex Maskey
(1) Mr Basil McCrea
Professor Sir Desmond Rea
Mr Trevor Ringland
Mr David Rose
(5) Mr Suneil Sharma
(6) Mr Jimmy Spratt
(7) Mr Peter Weir

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

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

OFFICIALS IN ATTENDANCE:

Mr Adrian Donaldson (Chief Executive)
(10) Dr Debbie Donnelly (Deputy Chief Executive)
(10) Mr David Jackson (Director of Community Engagement)
(11) Mr Sam Hagen (Director of Corporate Services)
(10) Mr David Wilson (Director of Planning)
(10) Mr Peter Gilleece (Director of Policy)
(10) 3 Board Officials

- (1) Item number 3.4 to close
- (2) Item number 14 only
- (3) Item numbers 3.3, 6, 14 and 15
- (4) Part item number 3.6 to close
- (5) Item numbers 1 – 4, 14 and part 15
- (6) Items 1 – 4 and 14
- (7) Item numbers 1 – 6, 14 and 15
- (8) Items 14 & 15 only
- (9) Item 15 only
- (10) Except items 4.4 and 5.3
- (11) Except item 4.4

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Barry Gilligan (Chairman), Ms Mary McKee and Mrs Rosaleen Moore. NOTED.

The Acting Chairman asked Members to declare any conflicts of interest arising from the agenda. No conflicts of interest arising from the agenda were recorded.

The A/Chairman referred Members to the programme for the meeting. During discussion of the programme a Member referred to the update scheduled for the Board meeting in public regarding Progress on the Training College at Desertcreat. The Member enquired whether the Fire and Rescue Service had committed funding to the project. The A/Chairman indicated that this matter could be raised with the Deputy Chief Constable during the briefing.

2. MINUTES OF MEETINGS OF THE POLICING BOARD

2.1 Minutes Of The Policing Board Meeting Held On 4 March 2010

The Board considered the draft minutes of the meeting. A Member referred to the final paragraph of item 5.3 of the draft minutes headed "Draft Policing Architecture Protocol". The Member indicated that the draft minute did not clearly reflect the details that he had requested, i.e. who had proposed and seconded a motion to obtain advice from

Mr Peter Smith QC about the draft Policing Architecture Protocol. The Chief Executive advised that it had been proposed by Mr Trevor Ringland and seconded by Mr Alex Attwood that the Board should obtain advice from Mr Smith. The Chief Executive further advised that, following approval from the Chairman (Mr Gilligan), he had subsequently proceeded, via a single tender action, to obtain advice from Mr Smith. The Member requested that this be reflected in the minutes.

Subject to the draft minutes being amended accordingly, it was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 4 March 2010 be approved.

2.2 Minutes Of The Policing Board Meeting In Public Held On 4 March 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 4 March 2010 be approved.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 4 MARCH 2010

3.1 Qualifying Requirements For Candidates For Chief Officer Appointments
(Item 3.3 Of Minutes Refers)

Officials advised that a meeting with HMIC had been arranged for 12 April 2010 and the Board would be updated further following the meeting. NOTED.

3.2 Visit To Washington (Item 3.4 Of Minutes Refers)

The Board considered a report on the visit by the A/Chairman to the USA for events associated with the St Patrick's Day period. The A/Chairman highlighted the main events. NOTED.

3.3 Public Protection Arrangements Northern Ireland And Multi Agency Risk Assessment Conference (Item 3.5 Of Minutes Refers)

The Board considered a paper which provided an update on the Public Protection Arrangements Northern Ireland (PPANI) and Multi Agency Risk Assessment Conference (MARAC). The Board was advised that PPANI fell within the remit of the Criminal Justice Inspectorate Northern Ireland (CJINI) and that MARAC did not. NOTED.

3.4 Correspondence From NIO – Assembly Questions (Item 5.1 Of Minutes Refers)

The Board considered a paper which provided guidance on how Assembly Questions were tabled and processed and, for oral questions, how they were dealt with in the Assembly Chamber. NOTED.

An independent Member queried whether following devolution, Assembly Members could pose questions to the Minister of Justice on issues that fell within the Board's remit to hold the Chief Constable to account.

A political Member responded that Assembly Members had a wide dispensation as to the information that they could request and that it was not unusual for other Government Departments to receive questions that could fall within the remit of semi autonomous bodies.

Members discussed the need for clarity around the respective roles of the Board and the Assembly Scrutiny Committee. The view was expressed that the roles would be clearer after the devolution arrangements had "bedded in" and that post-devolution

some of the policing issues that could be viewed as “political” or were constituency matters could well be pursued in the Assembly, providing more opportunity for the Board to concentrate on strategic, governance, efficiency and effectiveness issues with the Chief Constable.

There was a general consensus that the Board should be proactive in ensuring that its role in holding the Chief Constable to account was not diminished in any future devolved arrangement.

3.5 Draft Policing Architecture Protocol (Item 5.3 Of Minutes Refers)

The Board considered legal opinion received from the Crown Solicitor’s Office regarding a revised Draft Protocol on Policing Architecture received from the NIO. NOTED.

The Board considered a legal opinion from Mr Peter Smith QC on the revised Draft Protocol. NOTED.

A Member highlighted Mr Smith’s reference to the term “priorities” in paragraph 2.4 of the Draft Protocol and suggested that further clarification should be sought from the NIO on the meaning of the term.

It was:-

AGREED:

- to forward the legal opinion received by the Board to the NIO;
- to circulate the NIO response and any further revised versions of the Draft Protocol on Policing Architecture to all Members.

A Member suggested that it would be useful for a representative group of Members to meet to further discuss the Draft Protocol.

3.6 Policing Board 'Away Day' (Item 14.1 Of Minutes Refers)

The Board considered a paper which listed agreed outcomes and outstanding issues arising from the Board's Strategy Away Day on 4 March 2010. A copy of the facilitator's notes on the discussion at the Away Day was also considered. NOTED.

The Board considered whether it would be useful to hold a further Away Day to widen consideration of the issues that were outstanding. During this discussion, a Member suggested that the Corporate Policy, Planning and Performance Committee should discuss the future role of the Board. However, in view of the forthcoming elections there was a consensus that consideration of this aspect should be deferred until the summer.

Following further discussion, it was:-

AGREED:

- that a further Away Day could be arranged during the summer period;
- that the agenda for the Away Day should be considered by the Corporate Policy, Planning and Performance Committee;
- that the Chief Executive should take the views of Members on the agenda for the Away Day.

During discussion, officials reminded Members of the arrangements for Continuous Improvement for the Board in 2010/11 and the reporting arrangements for the Inspection which had been approved by the Resources and Improvement Committee in February 2010.

It was:-

AGREED:

That the documentation associated with the NIPB Continuous Improvement Inspection should be circulated to all Members.

4. CHAIRPERSON'S BUSINESS

4.1 Engagements

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

- Custody Visiting Event – Enniskillen – 25 March 2010;
- Launch of the Policing Plan – Belfast – 30 March 2010.

NOTED.

4.2 Publications

There were no matters arising.

4.3 Correspondence

- letter from DFID dated 15 March 2010 regarding visit to UK by Nepali Delegation;
- letter from DOE dated 16 March 2010 regarding consultation on preparing a new Road Safety Strategy for Northern Ireland 2010 – 2020;
- letter from NIO regarding the renewal of the Police (Northern Ireland) Act 2000 (Renewal of Temporary Provisions) Order 2010.

NOTED.

4.4 Police Investigation

Officials informed the Board of media commentary in respect of an ongoing police investigation and provided Members with a copy of the statement issued by Big Picture Developments, of which Mr Gilligan the Board Chairman is a Director.

Following consideration, it was:-

AGREED:

That the following line should be issued in response to any enquiries on the matter:-

“At the Board meeting on 1 April 2010, Board Members noted the recent developments in respect of the investigation; and the statement issued from Big Picture Developments of which Mr Gilligan is a Director”.

5. CHIEF EXECUTIVE’S BUSINESS

5.1 PSNI Continuous Improvement Strategy

The Chief Executive referred Members to a letter dated 15 March 2010 from the Deputy Chief Constable enclosing the latest draft version of the PSNI Continuous Improvement Strategy. NOTED.

The Director of Planning expressed concern that the Board had not yet received the final PSNI Continuous Improvement Strategy for 2010/11, nor had the Board received a final date for completion although PSNI had offered to meet on 15 April 2010 to discuss the Strategy.

It was:-

AGREED:

- that the Chairman should discuss the PSNI Continuous Improvement Strategy with the Chief Constable and convey the Board's concerns;
- that officials should write to the Chief Constable to express the Board's concerns regarding the delay in receipt of the Strategy.

5.2 Conferences/Seminars

The Chief Executive informed Members of the following conference:-

- 9th Annual ACPO Excellence in Policing Conference – Ryton on Dunsmore, Coventry – 20 and 21 September 2010.

Any Member interested in attending was asked to contact the Secretariat.

5.3 Chief Officer – Pension Issue

The Board considered an urgent issue relating to the pension of a chief officer. A confidential note on this matter is attached at Annex 'A'.

6. CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE MEETING

6.1 Minutes Of The Meeting Of The Corporate Policy, Planning and Performance Committee Held On 18 March 2010

The A/Vice Chairman of the Committee highlighted the following matters considered by the Committee and outlined Committee discussions/recommendations:-

6.1.1 Update On New Police College (Item 5.3 of Minutes Refers)

6.1.2 Briefing On The UK Border Agency (Item 8 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Corporate Policy, Planning and Performance Committee meeting held on 18 March 2010 be approved.

6.2 Northern Ireland Affairs Committee Report – ‘The Omagh Bombing: Some Remaining Questions’

The Board considered a paper, tabled at the meeting, which outlined how issues arising from the Northern Ireland Affairs Committee Report on the Omagh Bombing might be taken forward by the Board.

The Board discussed a number of issues arising from the Report with the Chief Constable, item 14 of these minutes refers.

6.3 Communications Activity In Respect Of Devolution

The Board considered a paper that sought Members' views on communications activity in relation to the devolution of policing and justice powers on 12 April 2010.

A number of Members supported the view that the Chairman and Vice Chairman should be present in Parliament Buildings on 12 April 2010 and if called upon should reinforce the Board's position regarding the devolution of policing. A number of Members expressed the view that this was essentially a political event and the Board should reaffirm its independent position by not being in attendance at the event.

Following further discussion, it was:-

AGREED:

- that the A/Chairman and A/Vice Chairman should be present in Parliament Buildings on 12 April 2010;
- that the Board should accept the offer of a meeting with the new Minister of Justice as early as possible.

6.4 Devolution Protocol – National Security

The Board considered a paper in relation to the handling arrangements for national security related matters after the Devolution of Policing and Justice to the Northern Ireland Executive.

Following discussion, it was:-

AGREED:

- that the Chief Executive should obtain a copy of the Prime Minister's letter regarding the St Andrew's Agreement which contained references to handling arrangements for national security related matters;
- that the Chief Executive should request that NIO include the letter in the Devolution Protocol for Handling Arrangements for National Security Related Matters after Devolution of Policing and Justice to the Northern Ireland Executive.

7. AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

7.1 Minutes Of The Meeting Of The Audit And Risk Management Committee Meeting Held On 19 March 2010

The Chairperson of the Committee highlighted the following matters considered by the Committee and outlined Committee discussions/recommendations:-

7.1.1 PriceWaterhouseCoopers Internal Audit Progress Report 2009 – 2010 (Item 5 Of Minutes Refers)

7.1.2 Committee Away Day – 29 January 2010 (Item 6 Of Minutes Refers)

7.1.3 NIPB Internal Audit Strategy 2010 – 2013 (Item 7 Of Minutes Refers)

7.1.4 NIAO Audit Strategy 2009 – 2010 (Item 8.2 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Audit and Risk Management Committee meeting held on 19 March 2010 be approved.

8. COMMUNITY ENGAGEMENT COMMITTEE MEETING

8.1 Minutes Of The Meeting Of The Community Engagement Committee Held On 25 February 2010

It was:-

RESOLVED:

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

8.2 Minutes Of The Meeting Of the Community Engagement Committee Held On 25 March 2010

As the minutes of the meeting of 25 March 2010 were not yet available, the Chairperson of the Committee highlighted the following matters considered by the Committee and outlined Committee discussions/recommendations:-

8.2.1 Consultation On Local Partnership Working On Policing And Community Safety

Officials from NIO and DoE had met with the Committee to discuss the NIO proposals for the future of Local Partnership Working on Policing and Community Safety. As responses to the consultation are required by 6 May 2010, the Committee had agreed to hold a special meeting in April 2010 to give further consideration to the Board's responses to the issues raised, all Board Members would be invited to attend the meeting.

The Committee requested Board approval for delegated authority to be given to Corporate Policy, Planning and Performance Committee to approve the Board's response to the consultation at its meeting in May 2010, as the Board was not scheduled to meet again until 3 June 2010.

It was:-

RESOLVED:

To give delegated approval to Corporate Policy, Planning and Performance Committee to approve the Board's response to the consultation on the future of Local Partnership Working on Policing and Community Safety.

8.2.2 Policing With The Community – Update

The Committee had agreed a process for working with PSNI over coming weeks to develop the Policing with the Community Strategy and a draft Implementation Plan would be brought to Community Engagement Committee in May 2010.

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

This matter was dealt with under item 8.4.

8.3 NIO Consultation Process On District Policing Partnerships (DPPs) And Community Support Partnerships (CSPs)

This matter was dealt with under item 8.2.1.

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

The Board considered a paper containing a recommendation from the Community Engagement Committee on the removal of a DPP member from office.

It was:-

RESOLVED:

To approve the recommendation received from the Community Engagement Committee that the member concerned should be removed from office in Carrickfergus DPP.

9. HUMAN RESOURCES COMMITTEE MEETING

9.1 Minutes Of The Meeting Of The Human Resources Committee Held On 11 March 2010

In the absence of the Chairperson and Vice Chairperson of the Committee, a Member highlighted the following matters considered by the Committee and outlined Committee discussions/recommendations:-

9.1.1 Study Visit To UK Police Services – Great Manchester Police And Merseyside Constabulary (Item 3.6 Of Minutes Refers)

9.1.2 PSNI People Strategy For Policing In Northern Ireland (Item 10 Of Minutes Refers)

9.1.3 PSNI Training And Development Strategy 2010 – 2011 (Item 12 Of Minutes Refers)

It was:-

RESOLVED:

That the draft minutes of the Human Resources Committee meeting held on 11 March 2010 be approved.

10. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING

10.1 Minutes Of The Meeting Of The Human Rights & Professional Standards Committee Held On 23 March 2010

10.1.1 Discussions With The Chief Constable, Representatives From The Police Ombudsman's Office And Victims' Families Regarding The Transfer Of Operation Stafford From Historical Enquiries Team To Crime Operations (Items 2, 3 And 4 Of Minutes Refers)

The Chairperson referred Members to the draft minutes of the special meeting of the Human Rights and Professional Standards Committee held on 23 March 2010.

Following discussion, it was:-

AGREED:

- that a special meeting of the Board should be arranged for Thursday, 13 May 2010 at 10:00am and that the agenda should include the issue of transfer of Operation Stafford from HET to Crime Operations;
- to seek an update from the Board's Human Rights Advisor on her advice in relation to the transfer of Operation Stafford.

It was:-

RESOLVED:

That the draft minutes of the Human Rights & Professional Standards Committee meeting held on 23 March 2010 be approved.

10.2 Minutes Of The Meeting Of The Human Rights And Professional Standards Committee Held On 24 March 2010

The minutes of this meeting were not yet available.

Officials highlighted that a special meeting of the Committee had provisionally been arranged for Wednesday, 12 May 2010 at 10:00am in Londonderry/Derry to consider the issue of police use of Stop and Search powers.

10.3 Transfer Of Operation Stafford From Historical Enquiries Team To Crime Operations

This item was dealt with under 10.1.1.

11. RESOURCES AND IMPROVEMENT COMMITTEE

11.1 Minutes Of The Meeting Of The Resources And Improvement Committee Held On 19 March 2010

It was:-

RESOLVED:

That the draft minutes of the Resources and Improvement Committee meeting held on 19 March 2010 be approved.

12. INFORMATION PAPERS

12.1 Proposals To Amend Exemptions To The Statutory Charge As Defined In The Legal Aid (General) Regulations (Northern Ireland) 1965 And Other Miscellaneous Amendments

NOTED.

13. COMMUNICATION ISSUES

There were no matters arising.

14. QUESTIONS FOR THE CHIEF CONSTABLE

Members considered the questions listed for answer by the Chief Constable at the Board meeting in public. Given the total number of questions received, the A/Chairman suggested that a number of these would need to be dealt with by way of written answer, to enable the public session be completed on time. Members indicated that they were willing to accept written answers but this was predicated on receipt of more timely replies from the Chief Constable. The A/Chairman suggested that the matter be raised with the Chief Constable when he joined the meeting.

The A/Chairman welcomed the Chief Constable and other PSNI representatives to the meeting. He informed the Chief Constable that the Board had agreed to take a number of questions by way of written response and Members requested that written replies be processed as quickly as possible. The Chief Constable advised Members that it required time for an aide memoire prepared for an oral response to be reformatted into written replies but that he and his staff would endeavour to streamline the process of providing written responses. The Chief Constable reminded the meeting that if any Member wished to receive further information about local or any other issues, they should phone or write to him, his Top Team or District Commanders and responses

would be issued between Board meetings. Officials undertook to provide all Members with contact details for the Chief Constable and Top Team.

Members and the PSNI representatives discussed the Northern Ireland Affairs Committee (NIAC) Report “The Omagh Bombing: Some Remaining Questions”. ACC Crime Operations reminded Members that police investigations were still continuing into the Omagh bombing and that a review of the case, initiated in October 2009 was ongoing and PSNI continued to work with An Garda Siochana in investigating the crime. ACC Crime Operations outlined the evidence that he had given to NIAC in which he had commented on the intelligence provided to RUC Special Branch.

Subsequent discussion centred around briefings given by Special Branch to RUC investigating officers in August and September 1999 and the dissemination of intelligence between GCHQ, Special Branch and investigating officers, particularly in relation to mobile telephone numbers.

A Member expressed the view that the Board should be cautious of straying into an operational issue where there were legal constraints. The Chief Constable advised that he was willing to provide as much information to the Board as was possible given the legal constraints. A Member requested that Members be provided with a paper that set out the Board’s role and statutory requirements in connection with the Omagh bombing.

It was:-

AGREED:

That the Corporate Policy, Planning and Performance Committee should consider the matter further.

Members sought and received further information about the future number of officers in PSNI in the context of the current security threat and future budgetary considerations. It was recognised that this would be an issue for further discussion at future meetings.

The Board then moved into public session and following the Board meeting in public, with the exception of the Deputy Chief Constable, the PSNI representatives left the meeting.

15. BRIEFING BY PSNI REGARDING PSNI GOVERNANCE AND PROGRAMME BOARDS

The Deputy Chief Constable and Head of Corporate Development briefed Members on the background and current/proposed PSNI Governance Committees and Programme Boards. They outlined the drivers for changing the current structure and described the proposed role of 4 Programme Boards which fell within the remit of the Organisational Improvement Committee, i.e. the Security and Serious Harm Programme Board; the Service Excellence Programme Board; the Leadership and Training Programme Board and the Local Crime and Justice Programme Board.

The Deputy Chief Constable emphasised that the structure remained work in progress. She advised that work was ongoing to finalise the new Terms of Reference for the Governance Committees, and that these would be provided to the Board. The Deputy Chief Constable outlined the next steps that would be taken to implement the new structure. A copy of the slides used by the Deputy Chief Constable is attached at Appendix 'A'.

The meeting discussed:-

- how the structure would assist in building further community confidence in the PSNI;
- whether and how the Board Committee structure might be realigned to take account of the new PSNI corporate structure; and
- how the Board might best engage with the Programme Boards.

The Chairman thanked the Deputy Chief Constable and Head of Corporate Support Branch for their Contribution and they left the meeting.

Members discussed how the Board should consider the new PSNI governance structures and it was:-

AGREED:

- that the Sub Committee of the Corporate Policy, Planning and Performance Committee that was considering the restructuring of Policing Board Committees should meet in May 2010, following the elections, to consider how best the Board could restructure to take account of the new PSNI governance arrangements;
- that following receipt of the Terms of Reference for the Programme Boards, that officials should provide an Options Paper for the Sub Committee on restructuring of Committees to consider;
- that the Board should consider the Chief Constable's invitation to participate on PSNI Programme Boards at a future meeting.

16. ANY OTHER BUSINESS

16.1 Conduct Of Board Business

A number of Members referred to the current process for conducting Board business and expressed concern that the meeting had allocated insufficient time to consider fully some important items of business and suggested that matters not fully discussed be considered at the Board special meeting on 13 May 2010 (Item 10.1.1 refers).

Members further suggested that the Board should also discuss the visit by Members of the Human Resources Committee to the Greater Manchester Police and Merseyside Constabulary following consideration by Human Resources Committee.

17. DATE OF NEXT MEETING

The date of the next meeting with the Chief Constable was arranged for 3 June 2010 at Waterside Tower, Belfast.

The next meeting of the Board, in private session was confirmed for Thursday, 13 May 2010 at Waterside Tower Belfast.

(Meeting closed 4:50pm).

Secretariat

April 2010

Chairman