

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 2 OCTOBER 2008 AT 9:30AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Professor Sir Desmond Rea (Chairman)

Mr Barry Gilligan (Vice Chairman)

Ms Martina Anderson

(1) Mr Tom Buchanan

Mr Alex Maskey

Mr Basil McCrea

Ms Mary McKee

Mrs Rosaleen Moore

Mr Gearóid Ó hEára

(2) Mr Ian Paisley Jnr

Mr Brian Rea

Mr Trevor Ringland

Mr David Rose

Mr Suneil Sharma

Mr Jimmy Spratt

(3) Mr Peter Weir

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(4) Sir Hugh Orde (Chief Constable)

(4) Mr Drew Harris (ACC Crime Operations)

(4) Mr David Jones (ACC Crime Support)

(4) Mr Duncan McCausland (ACC Criminal Justice)

(4) Mr Roy Toner (ACC Operational Support)

(4) Chief Superintendent Eddie Graham, Rural Region

(4) Chief Superintendent George Hamilton, Urban Region

(4) Mr Joe Stewart (Director of Human Resources)

(4) Ms Liz Young (Head of Media & Public Relations)

(4) 2 PSNI Personnel

NATIONAL POLICING IMPROVEMENT AGENCY IN ATTENDANCE:

(5) Mr Peter Holland, Chairman

(5) Mr Gavin McKinnon, Chief of Staff

HUMAN RIGHTS ADVISOR IN ATTENDANCE:

(6) Ms Jane Gordon

**OFFICIALS IN
ATTENDANCE:**

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

- (1) Item numbers 1- 6, 14 and 19**
- (2) Item numbers 1- 6, 14, part 17 and 19**
- (3) Item number 4 to close**
- (4) Item number 19 only**
- (5) Item number 17 only**
- (6) Item numbers 1- 6, part 10, 14 and part 19**

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Leslie Cree and Mrs Dolores Kelly. NOTED.

2. MINUTES OF MEETINGS OF THE POLICING BOARD

2.1 Minutes Of The Policing Board Meeting Held On 4 September 2008

The Board considered the draft minutes of the previous meeting.

Subject to an amendment to the wording of the first paragraph on page 2 of the confidential Appendix 'A', which replaced the words "would act" with the wording "may be interested in acting", it was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 4 September 2008 be approved.

2.2 Minutes Of The Policing Board Meeting In Public Held On 4 September 2008

The Board considered the draft minutes of the previous meeting.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting in public held on 4 September 2008 be approved.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETINGS

3.1 Invitation For Board Members To Visit Forensic Science Of Northern Ireland (Items 3.5 Of Minutes Refers)

The Chairman gave details of the Members who had indicated they would attend the visit to the Forensic Science of Northern Ireland facilities on 15 October 2008. NOTED.

3.2 Policing Board Community Engagement Public Meeting (Items 3.6 And 6.1.2 Of Minutes Refers)

The Chair of the Community Engagement Committee briefed Members on the Policing Board Community Engagement Public Meeting held on 18 September 2008 at the King's Hall Conference Centre, Belfast. He advised that overall it was a positive meeting and had been well supported. The Committee had reviewed the event and as with all initial meetings there were lessons to be learned, primarily in relation to the format, to enable more discussion around questions and issues raised. The Committee had agreed that a summary report of the issues raised at the meeting should be prepared and circulated to District Policing Partnerships (DPPs) and the press. Members discussed the meeting and noted that further proposals would be brought to the Board for a future public meeting, later in the year. NOTED.

3.3 Proposal To Fund Event (Items 6.1.4 Of Minutes Refers)

A Member referred to discussion at the September 2008 meeting of a proposal for the Board to make a donation towards an event involving young people at Parliament Buildings, Stormont. The Member reported that the event had proved successful.
NOTED.

4. CHAIRMAN'S BUSINESS

4.1 Engagements

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

- Presentation of Awards for the Royal Ulster Constabulary GC Foundation Bursary Scheme – Jordanstown – 22 September 2008;
- CBI Annual Luncheon – Belfast – 24 September 2008;
- OCTF Stakeholder Group – Belfast – 29 September 2008.

Arising from this meeting, the Chairman suggested that the Board should request a written briefing from the UK Border Agency on their role and responsibilities, with a view to inviting representatives from the agency to brief Members at a future Board meeting.

NOTED.

4.2 Publications

The Chairman informed Members that the following publications had been received:-

- Can the Past be Policed? Lessons from the Historical Enquiries Team Northern Ireland. – Draft Report – University of Ulster.

It was:-

AGREED:

That the above publication should be considered by the Human Rights and Professional Standards Committee.

NOTED.

4.3 Correspondence

The Chairman highlighted the following correspondence that had been received/issued:-

- letter of thanks – Dan Rooney – 20 August 2008;
- letter from Minister of State regarding extension of civil recovery powers to Public Prosecution Service – 14 September 2008;

The Chairman advised that this letter would be circulated to all Board Members.

- letter of thanks – T J Moran – 15 September 2008;
- letter from SOCA (Serious and Organised Crime Agency) regarding future briefings to be provided to the Corporate Policy, Planning and Performance Committee – 23 September 2008;
- letter from Chief Constable regarding responses by PSNI to Parliamentary questions – 23 September 2008.

NOTED.

4.4 News Releases

The Chairman highlighted the following news releases:-

- £600,000 for Community Based Restorative Justice – Co Down Spectator – 19 September 2008;

It was:-

AGREED:

- that officials should obtain further information concerning the link between funding and policy;
- Home Office Monthly Newsletter – September 2008.

NOTED.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Conferences/Seminars

The Acting Chief Executive informed Members about the following:-

- LGA (Local Government Association) Safer Communities Conference and Exhibition – Nottingham – 14/15 October 2008;
- Human Rights Law Conference – Bloomsbury, London – 21 October 2008.

NOTED.

6. CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE

6.1 Minutes Of The Meeting Of The Corporate Policy, Planning And Performance Committee Held On 18 September 2008

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

6.1.1 Shortfall Of Detectives In Crime Operations (Item 3.8 Of Minutes Refers)

It was:-

RESOLVED:

That the Board should invite the Chief Constable to provide Members with a report on the overarching work of Crime Operations Department, particularly as it relates to the Blakey, Crompton and Stevens reports.

6.1.2 Health And Safety Executive Northern Ireland Report (Item 4.6 Of Minutes Refers)

The Chairman outlined the background to discussion at the Committee concerning a report prepared by the Health and Safety Executive Northern Ireland (HSENI) following a complaint received from the Police Federation for Northern Ireland on 19 July 2005.

The Chairman highlighted that the HSENI report would be included on the agenda for the next Corporate Policy, Planning and Performance Committee meeting and that all Members of the Board would be invited to attend this part of the meeting. An invitation had also been extended to the Chief Constable and the Board's Human Rights Advisor and former advisor to attend the meeting. A copy of the HSENI report and the Board's Human Rights Advisors report on the policing of the Ardoyne parades on 12 July 2005 and the Whiterock parade on 10 September 2005 had been circulated to all Board Members.

NOTED.

Details of further discussion of this item are contained in Appendix 'A'.

6.1.3 Joint PSNI/NIPB Christmas Campaign

It was:-

RESOLVED:

To adopt the minutes of the Corporate Policy, Planning and Performance Committee held on 18 September 2008.

6.2 Members' Time/Availability

The Board considered a paper which summarised recommendations made by the Corporate Policy, Planning and Performance Committee in relation to arrangements for Board meetings, Committee meetings and other Board events to better accommodate Members' time and availability.

Following discussion, it was:-

RESOLVED:

- that the number of Committee meetings should be reduced as follows:-
 - Audit and Risk Management – from 5 to 4 meetings per annum
 - Community Engagement – from 11 to 8 meetings per annum
 - Corporate Policy, Planning and Performance – from 11 to 10 meetings per annum
 - Human Resources – from 12 to 8 meetings per annum
 - Human Rights and Professional Standards – from 7 to 6 meetings per annum
 - Resources and Improvement – from 11 to 10 meetings per annum.
 - other meetings/events may be arranged by each Committee as the business requires during the year.
- the number of Board meetings held each year should be further considered by the Corporate Policy, Planning and Performance Committee;

- to accept all but one of the proposals to address the recommendations of the internal audit report. The Board did not approve recommending changes to the delegated authority arrangements for Committees as set out in Standing Orders;
- each Committee should identify a small number of priority issues prior to the commencement of each financial year and these issues are to be the focus of the proactive work of the Committee during the year;
- officials will continue to meet with student officers to provide a briefing on the work of the Board and DPPs and any Members wishing to attend such meetings should inform the Secretariat;
- to revise the DPP “buddy” system with Members being asked to attend at least one meeting with the DPP per annum. Other contact can be made between the Member and the DPP as required;
- each Committee should review how the lead Member role could be developed for specific priority areas of the Committee’s work;
- the Community Engagement Committee should consider the volume of planned community engagement events/activities to ensure there is a sufficient availability of Members to make the event viable;
- all events requiring Members’ attendance are to be prioritised at the time when events are being planned by the Board and when invitations are received from external bodies.

7. AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

7.1 Minutes Of The Meeting Of The Audit And Risk Management Committee Meeting Held On 19 September 2008

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

7.1.1 Use Of Language At Meetings (Item 1 Of Minutes Refers)

7.1.2 Use Of Consultants In PSNI (Item 3.1 Of Minutes Refers)

7.1.3 PWC Internal Audit Progress Report 2008/09 (Item 7 Of Minutes Refers)

7.1.4 Status Report On Ballynahinch CCTV Scheme (Item 12 Of Minutes Refers)

Subject to amendments to Members' attendances at the meeting:-

It was:-

RESOLVED:

To adopt the minutes of the meeting of the Audit and Risk Management Committee held on 19 September 2008.

8. COMMUNITY ENGAGEMENT COMMITTEE MEETINGS

8.1 Minutes Of The Meeting Of The Community Engagement Committee Meeting Held On 28 August 2008

It was:-

RESOLVED:

To adopt the minutes of the meeting of the Community Engagement Committee held on 28 August 2008.

8.2 Minutes Of The Meeting Of The Community Engagement Committee Meeting Held On 25 September 2008

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

8.2.1 A Recommendation To The Board To Publish The Research Into Crimes Against Businesses In Northern Ireland

It was:-

RESOLVED:

To approve the Committee recommendation that the Board should publish the research it had commissioned from KPMG on the findings from its research into crimes against businesses in Northern Ireland.

8.2.2 An Update On Policing With The Community And Neighbourhood Policing

8.2.3 Review Of Future Arrangements For District Policing Partnerships

It was:-

RESOLVED:

To approve the Committee recommendation to the Board that it should recommend to the NIO integrating some of the current functions where there is overlap between DPPs and CSPs, as an interim measure.

9. HUMAN RESOURCES COMMITTEE MEETING

9.1 Minutes Of The Meeting Of The Human Resources Committee Meeting Held On 11 September 2008

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

9.1.1 Public Consultation On Review Of Police Injury Awards – Government Proposals (Item 8 Of Minutes Refers)

9.1.2 Update On Shortfall Of Detectives In PSNI (Item 11 Of Minutes Refers)

It was:-

RESOLVED:

To adopt the minutes of the meeting of the Human Resources Committee held on 11 September 2008.

The Vice Chair of the Committee advised that the briefing to be held on PSNI rank ratios would commence at 1:15pm (not 12:00noon as previously arranged) on Thursday, 9 October 2008 and that all Members were welcome to attend.

10. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING

10.1 Minutes Of The Meeting Of The Human Rights And Professional Standards Committee Meeting Held On 10 September 2008

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

10.1.1 Future Provision Of Human Rights Advice (Item 4.1 Of Minutes Refers)

10.1.2 3rd Interim Report To The Policing Board On PSNI Implementation Of Recommendations In The Operation Ballast (Item 7 Of Minutes Refers)

The Chair of the Committee drew attention to the Committee's recommendation to the Board that it should arrange for the publication of the 3rd Interim Report in relation to Operation Ballast.

The Chairman welcomed the Board's Human Rights Advisor to the meeting. The Human Rights Advisor briefed Members on the content of the 3rd Interim Report and answered specific questions from Members.

The Sinn Fein Members asked that it be recorded that they had concerns around the arrangements for review and investigation in recommendation 3 of the Ballast report and the independence of the Historical Enquiries Team.

It was:-

RESOLVED:

That the Board should publish the Operation Ballast update report.

10.1.3 Human Rights Annual Report 2008

The Chair of the Committee reminded Members that the launch of the Human Rights Annual Report 2008 would take place in the Long Gallery, Stormont on 21 October 2008 and all Members were invited to attend.

It was:-

RESOLVED:

To adopt the minutes of the meeting of the Human Rights and Professional Standards Committee held on 10 September 2008.

11. RESOURCES AND IMPROVEMENT COMMITTEE MEETING

11.1 Minutes Of The Meeting Of The Resources And Improvement Committee Held On 19 September 2008

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

11.1.1 NPIA Independent Validation Report Of The PSNI IS Strategy (Item 11 Of Minutes Refers)

11.1.2 PSNI Estate Strategy (Item 3.9 Of Minutes Refers)

The Vice Chair of the Committee drew attention to the Committee's recommendation to the Board that PSNI should defer the presentation of the PSNI Estate Strategy from November 2008 to January 2009, and in the interim, PSNI should be encouraged to outline the vision for the police estate; strengthen alternative policing arrangements in the event of a station closure; and ensure that neighbourhood policing is the primary focus of all alternative policing arrangements.

It was:-

RESOLVED:

To defer consideration of the PSNI Estate Strategy until January 2009.

11.1.3 PSNI Report On Expenditure To August 2008 (Item 8 Of Minutes Refers)

Members discussed the current pressures on the PSNI budget and the new pressures affecting the 2008/09 financial year. Officials advised that areas causing major pressures were outside the control of the PSNI – the NICS pay claim (£17.2m); Police Pensions Commutation (£12.2m); NI Transitional Allowances (£1.5m); and hearing loss claims (£26.6m).

Members discussed the PSNI staffing budget; the review of the PSNI Estate Strategy; the Human Resources Strategy and perceived delays in the review of Headquarters functions; and the overall number of District Command Units (DCUs).

It was:-

RESOLVED:

To adopt the minutes of the meeting of the Resources and Improvement Committee held on 19 September 2008.

12. REVIEW OF STANDING ORDERS

The Board considered a paper containing proposed amendments to the Board's standing orders as initially recommended by Corporate Policy, Planning and Performance Committee in May 2008. The substantive proposed revisions were summarised as:-

- the use of gender neutral language in line with the policy agreed by the Board in July 2007;
- Para. 15 (c) - the revised policy for taking questions from members of the public in the public sessions of the Board (i.e. that questions will not be permitted);
- Para. 20 (a) – that substituting political Members declare their substitution at the beginning of a Committee meeting;

- Appendix 1 – separation of the role of the former Community and Human Rights Committee into the Community Engagement and Human Rights and Professional Standards Committees;
- Code of Conduct para. 24 (g) – the insertion of the revised policy on naming individuals in the public session of Board meetings; and
- Code of Conduct para. 31 – clarification on the process for handling alleged breaches of the Code of Conduct.

It was:-

RESOLVED:

- to adopt the proposed amendments to the Board's Standing Orders as recommended by the Corporate Policy, Planning and Performance Committee;
- that standing order 20(f), relating to the Chair and Vice Chair of the Corporate Policy, Planning and Performance Committee and the Community Engagement Committee should continue to be suspended.

13. RE-APPOINTMENT OF COMMITTEES AND ELECTION OF CHAIRS/VICE CHAIRS OF COMMITTEES

The Board considered a paper which provided guidance in relation to the annual appointment of Committees and the annual election of Chairs and Vice Chairs of Committees.

Members were reminded that at the June and July 2008 Board meetings, it was agreed to defer consideration of the annual appointment of Committees and the annual election of Chairs and Vice Chairs of Committees until October 2008. This was to allow consideration of issues around the pressures on Members' Time/Availability at the September 2008 Corporate Policy, Planning and Performance Committee. The Board considered the membership of each Committee.

It was:-

RESOLVED:

- that the current Members appointed to each Committee should be retained;
- that the current Floating Members to the Corporate Policy, Planning and Performance Committee should be retained;
- that the current Chairs and Vice Chairs of the following Committees be retained:-
 - Audit and Risk Management – Mr Trevor Ringland (Chair) and Mr Daithí McKay (Vice Chair);
 - Human Resources – Mr Ian Paisley Jnr (Chair – to December 2008), Mr Jimmy Spratt (Chair – January 2009 to May 2009) and Mrs Rosaleen Moore (Vice Chair);
 - Human Rights and Professional Standards – Mr Basil McCrea (Chair) and Ms Mary McKee (Vice Chair);
 - Resources and Improvement – Mrs Dolores Kelly (Chair) and Mr Brian Rea (Vice Chair).

14. TASER

The Chairman referred the Board to papers issued in advance of the meeting in relation to the Chief Constable's proposal to permanently issue TASER to Special Operations Branch and Armed Response Vehicles (ARVs).

The Chairman reminded the Board that it had set out its position regarding the introduction of TASER by the PSNI at its meeting on 4 October 2007. He reminded Members that it had been agreed by a majority vote that, consistent with undertakings provided by the PSNI, the Board's Human Rights Advisor should be consulted and satisfied with respect to outstanding concerns and that an EQIA (Equality Impact Assessment) should be completed. The Chairman reminded Members of the Board's

Human Rights Advisor's concerns, in relation to agreement on the proper legal test for the use of TASER; the identification of the capability gap, based on the agreed legal test; and the efficacy of the police guidance and training regarding the use of TASER. He referred Members to a note dated 25 September 2008 by the Board's Human Rights Advisor concerning the proposed introduction of TASER and to other related correspondence.

The Board's Human Rights Advisor commented in detail on her paper. During discussion, the Human Rights Advisor expressed satisfaction with respect to the outstanding concerns in relation to compliance with human rights legislation and the proper legal test; the capability gap and policy guidance and training. The Human Rights Advisor also confirmed that she was satisfied in respect of refresher training.

Subsequent discussion focused on:-

- the status of the EQIA process;
- the procedures put in place to avoid dual or multiple firings;
- guidance concerning the use of TASER on identified groups of vulnerable people;
- compliance of PSNI policy and guidance with the Human Rights Act 1998;
- meetings between the Equality Commission and PSNI concerning TASER;
- the storage and accountability arrangements for the use of TASER;
- the arrangements for training officers in ARVs;
- the obligation on the Chief Constable to provide for the safety of his officers.

The Chairman asked for a show of hands to indicate whether Members wished to proceed to a vote. By a show of hands the majority of Members indicated that they wished to proceed to a vote.

Mr Gearóid Ó hEára recorded his opposition with the decision of the Board to vote on the matter.

Following further discussion, a motion was proposed and seconded, that this Board supports in principle the Chief Constable's decision to permanently issue TASER to Specialist Operations Branch and to Armed Response Vehicles (ARVs) subject to completion, in respect of the latter, of a satisfactory pilot.

Following a show of hands and by a majority vote of 12 to 3, it was:-

RESOLVED:

That this Board supports in principle the Chief Constable's decision to permanently issue TASER to Specialist Operations Branch and to Armed Response Vehicles (ARVs) subject to completion, in respect of the latter, of a satisfactory pilot.

The Chairman supported the outcome of the motion.

The Sinn Fein Members on the Board recorded their opposition to the motion and to the Board taking a decision on the use of TASER prior to the completion of the ongoing judicial review.

Mr Ó hEára also formally recorded his opposition to the decision.

15. PSNI VOLUNTARY EARLY RETIREMENT AND SEVERANCE SCHEME – FINAL YEARS

The Board considered a paper which provided information on the PSNI Voluntary Early Retirement and Severance Scheme.

In order to deliver compositional change by 31 March 2008 and to ensure that there is clarity around officer expectations, the Severance Evaluation Panel had recommended that:-

- the last 2 years of the Voluntary Early Retirement and Severance Scheme are effectively treated as if it were one; and
- that all officers who are eligible to apply and wish to retire under the scheme are permitted to do so.

These decisions would enable compositional change to be effected and would bring certainty and clarity for officers about the future arrangements and options available to them and their families.

It was:-

RESOLVED:

That the Board approve the implementation of the final 2 years of the Voluntary Early Retirement and Severance Scheme as recommended by the Severance Evaluation Panel.

16. INFORMATION PAPERS

There were no matters arising.

17. BRIEFING BY CHAIRMAN OF THE NATIONAL POLICING IMPROVEMENT AGENCY REGARDING THE WORK OF THE AGENCY

The Chairman welcomed Mr Peter Holland, Chairman of National Policing Improvement Agency (NPIA) and Mr Gavin McKinnon to the meeting. Mr Holland outlined the background to the formation of NPIA and its first 18 months work. He outlined the main areas of responsibility that the NPIA had in providing core 'day to day' services and its role in taking forward improvement activities.

Mr Holland outlined the developmental work being undertaken by the NPIA in relation to training for all police officers. He also outlined the type of operational support that the NPIA contributed to, giving examples of their work. With regard to efficiency and effectiveness, he outlined some of the savings that could be made in terms of co-ordination of activities and economies of scale.

Mr Holland also commented on the close working relationships that the NPIA had developed with ACPO, APA and Government in developing its role.

Members discussed a variety of issues with the NPIA representatives included:-

- the operational independence of Chief Constables;
- procurement arrangements involving PSNI;
- the content of the Green Paper on policing;
- comparison between forces;
- the capabilities of police authorities.

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

18. COMMUNICATION ISSUES

It was agreed that news releases should be issued in relation to:-

- TASER; and
- Operation Ballast.

19. QUESTIONS FOR THE CHIEF CONSTABLE

The Chairman referred Members to the questions listed for answer by the Chief Constable, a synopsis of the Chief Constable's report and a copy of the slide presentation to be given at the Board meeting in public on police performance.

The Chairman welcomed the Chief Constable and other PSNI representatives to the meeting. The Board received further information in relation to:-

- the provision of road traffic accident statistics to the Board;
- the assurance ratings of internal audit reviews conducted within PSNI during 2007/08;
- the composition of HET Complex Enquiries Team personnel;
- the HET Complex Enquiries Team position in relation to recommendation 3 of the Operation Ballast report;
- intelligence gathering on dissident republican activity;
- the provision of and protection provided for mobile police stations;
- the investigation of a recent serious assault case.

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

20. ANY OTHER BUSINESS

There were no matters arising.

21. DATE OF NEXT MEETING

The date of the next meeting was arranged for 6 November 2008 at Waterside Tower, Belfast.

(Meeting closed 4:20pm).

Secretariat
October 2008

Chairman