

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE 33rd CORPORATE POLICY COMMITTEE MEETING HELD ON 22 APRIL 2004 AT 10:00 AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- Professor Desmond Rea (Chairman)
- Mr Denis Bradley (Vice-Chairman)
- (3)** Mr Fred Cobain
- Mr Barry Gilligan
- Mrs Pauline McCabe
- (1)** Mr Eddie McGrady
- Mr Sammy Wilson

OVERSIGHT COMMISSIONERS OFFICE IN ATTENDANCE:

- (2)** Professor David Bayley

OFFICIALS IN ATTENDANCE:

Mr Trevor Reaney (Chief Executive)
Director of Community Affairs
Director of Corporate Services
Director of Policy and Accountability
Three Board Officials

- (1)** Item 4 to close
- (2)** Part Item 3.2 to close
- (3)** Items 1 to 4 and Items 13 to 15

1. APOLOGIES, ETC.

An apology was received on behalf of Viscount Brookeborough.

The Chairman advised Members that on behalf of the Committee he had agreed to a request from the Oversight Commissioner's Office, that Professor David Bayley attend as an observer at the meeting.

2. MINUTES OF MEETINGS OF CORPORATE POLICY COMMITTEE

2.1 Minutes Of The 31st Meeting Held On 24 March 2004

The Committee considered the draft minutes of the previous meeting and agreed two minor amendments to the wording.

Subject to these amendments, the minutes of the Corporate Policy Committee meeting held on 24 March 2004 were agreed.

2.2 Minutes Of The 32nd (Special) Meeting Held On 1 April 2004

The minutes of the meeting were agreed.

3. MATTERS ARISING FROM THE MINUTES

3.1 Minutes Of The 31st Meeting

3.1.1 District Policing Partnerships (Item 3.1 Of Minutes Refers)

The Committee noted that there were no further developments in relation to the establishment of a DPP in Dungannon and South Tyrone.

3.1.2 Appointment Of Senior Board Staff (Item 3.2 Of Minutes Refers)

The Chief Executive updated the Committee about developments in the process to appoint (i) a Director of Service Delivery and (ii) a Director of Communications. The Committee noted that interviews for the Director of Service Delivery had been arranged for 27 April 2004.

3.1.3 Tackling Crime Against Older People (Item 3.3 Of Minutes Refers)

The Committee noted that a reply was awaited from the Minister of State.

3.1.4 Devolution Of Policing – Role Of NIPB (Item 3.5 Of Minutes Refers)

The Committee noted the content of a reply received from the Secretary of State to an enquiry by the Committee about the position of the Policing Board in the event of the devolution of policing and criminal justice. The Secretary of State noted the Board's interest and confirmed that he would be happy to enter into discussion on relevant issues on a mutually convenient basis when the time is right.

3.1.5 Confidentiality Of PSNI Briefing To the Board (Item 3.6 Of Minutes Refers)

The Committee noted that there had been no new developments and that the issue was likely to be a recurring item on the agenda.

3.1.6 Review Of Remuneration For Independent Members (Item 3.7 Of Minutes Refers)

This matter was dealt with under item 9.

3.1.7 Appointment Process For Assistant Chief Constable To PSNI (Item 3.10 Of Minutes Refers)

The Director of Corporate Services updated Members about the process for appointing an Assistant Chief Constable. The Committee noted that shortlisting had taken place on 22 April 2004 and that interviews had been arranged for 18 May 2004.

3.1.8 Chief Constable – Living Accommodation (Item 3.11 Of Minutes Refers)

The Committee noted that the Chief Executive was continuing to liaise with the Chief Constable and NIO regarding the matter.

3.1.9 Request For Financial Support For Legal Action From PSNI Officer (Item 3.12 Of Minutes Refers)

In response to a question from a Member, officials advised that they would write to the PSNI to request that, if the legal action was successful, any costs to PSNI concerning the legal action be recovered from the officer.

3.1.10 British / Irish Rights Watch Correspondence – Arrest Of Clarke and Johnston (Item 3.13 Of Minutes Refers)

The Chairman reminded the Committee that he had informed the April Board meeting of the PSNI response to correspondence on this matter and that Members would receive a copy of the OPONI report when it is completed. The Chairman confirmed that the Committee would be informed when the report is received.

3.1.11 PSNI Review Of Pay, Appraisal, Performance Related Pay And Allocation Of Duties: SMT And SCS (Item 3.15 and 15.3 Of Minutes Refers)

This matter was dealt with under item 6.

3.1.12 Leave Entitlement – Chief Police Officers – PSNI (Item 5.2 Of Minutes Refers)

The Committee noted that officials were considering proposals from the Chief Constable concerning the leave entitlement of PSNI chief officers and that clarification was being sought regarding a number of issues. A paper would be brought to the Committee at a future date.

3.1.13 OPONI Survey (Item 5.3 Of Minutes Refers)

The Committee noted that the full report on the OPONI survey of PSNI officer's attitudes to police complaints had not been released to date. Officials were continuing to liaise with representatives from the OPONI and police staff associations concerning the release of the report.

3.1.14 Legal Actions – Post Traumatic Stress (Item 5.4 Of Minutes Refers)

There were no further developments.

3.1.15 Invitation To Board Members – Seat On Northern Ireland Board Of Crimestoppers (Item 9 Of Minutes Refers)

The Committee noted that officials were awaiting a response from Members to determine their availability to serve on the Board of the Crimestoppers Trust.

3.1.16 CAJ Commentary On Work Of OPONI (Item 11 Of Minutes Refers)

The Committee noted the content of a letter received from the Committee on the Administration of Justice (CAJ) advising that a copy of its Commentary would be forwarded to the Board when it is published, in several months time.

3.1.17 NIAC: Inquiry Into Functions Of OPONI (Item 12 Of Minutes Refers)

The Committee noted the content of a letter received from the Secretary of the Northern Ireland Affairs Committee (NIAC) acknowledging the Board's submission and setting out the procedure for publishing the submission, if the Board wished to do so.

3.1.18 4th Report From The NIO Steering Group On Research Into Alternative Approaches Towards The Management Of Conflict (Item 16 Of Minutes Refers)

The Committee noted that officials were liaising with NIO officials to discuss the possibility of holding a conference or seminar on alternative policing approaches towards the management of conflict. The Committee noted that when proposals were finalised a paper would be brought to a future meeting.

3.2 Matters Arising From The Minutes Of The 32nd Meeting

3.2.1 PSNI Review Of Pay, Appraisal, Performance Related Pay And Allocation Of Duties: SMT And SCS (Item 2 Of Minutes Refers)

Following the Committee's recent consideration of the Review, the Chairman recommended to Members that it was an opportune time to reappraise the Board's approach to supporting the PSNI and holding it to account through the Chief Constable to the ends of efficient and effective policing. He reminded Members of a number of key areas in which the Board had sought to hold the PSNI to account during the recent past.

The Chairman identified 3 key areas on which the Board should particularly focus in the immediate future:-

- Human Resources
- Information Technology
- Best Value

He suggested in the longer term that the Board might wish to give priority focus to other important areas such as:-

- Finance
- Estates
- Communications
- Corporate Governance
- Policing with the community and
- Others which may emerge in the future

The Chairman reminded Members that the approach to the Board's role regarding these longer term issues would be considered as the NIPB Corporate Plan 2005 / 08 was developed during the next 12 months. The Chairman also reminded Members that the Board had to be careful to ensure that it did not stray across the line into operational matters, and in doing so, compromise the Board's ability to hold the Chief Constable to account.

The Chairman suggested there was much to commend the model that the Board had adopted for monitoring the HR Strategy. That was, the development of an agreed strategy with clear objectives, targets and timetables, which is independently validated and the appointment of an agreed independent validator who reports to the relevant committee of the Board and PSNI.

The Chairman proposed that the following approach be developed regarding the 3 key issues identified now:-

- Human Resources - to continue with the appointment of Sir Dan Crompton to independently monitor the current HR Strategy and also the revised Strategy which will shortly be presented to the Board
- Information Technology - to consider the appointment of HMIC and PITO
- Best Value - to adopt a pragmatic approach with the independent monitoring role being carried out by the Controller and Auditor General (CAG) and HMIC, as currently is the case.

The Chairman suggested that there would be value in requesting that the Chief Constable or Deputy Chief Constable attends the Board and its Committees when these Strategies are being presented and reviewed.

The Committee discussed the Chairman's proposals. A number of key issues were discussed in more detail, including:-

- Estates - the need for the Board to be given the opportunity to consider the Estates Review currently being carried out by the PSNI and the programme for the disposal of surplus sites;
- Best Value - the need to ensure that Best Value was not "bolted on" to the organisation but becomes fully integrated;
- The Board's entitlement to openness and frankness, as well as 'early warnings' from PSNI;
- The absence of legislative sanctions where targets were not met and the Board's ability to put appropriate sanctions in place;
- The need for the Board to avoid micro management of these issues;
- The need for any advisers appointed to be jointly appointed by the Board and PSNI;
- The need for the Board to maintain confidentiality when formulating and developing strategies.

The Committee endorsed the overall approach suggested by the Chairman and it was noted that these issues would receive further consideration during the development of the Board's Corporate Plan 2005-08 and at the forthcoming Strategy Days workshop.

4. CHAIRMAN'S BUSINESS

4.1 Engagements

The Committee noted that the Chairman had undertaken the following engagements on behalf of the Board:-

- Newtownards Rotary Club Charity Breakfast on 6 April 2004
- Launch of Castlereagh Local Policing Plan 2004 on 7 April 2004
- The Chief Police Officers Dinner in London on 14 April 2004
- IACP European Executive Policing Conference 18-20 April 2004
- Meeting with Criminal Cases Review Commission representatives on 21 April 2004
- Meeting with Police Federation representatives concerning Less Lethal Options on 21 April 2004

4.2 Meetings In Public – Presentations From PSNI

The Committee noted the content of a letter received from PSNI concerning presentational themes for the programme of Policing Board meetings in public.

4.3 Future Corporate Policy Committee Meeting In Cookstown

The Committee endorsed a proposal that it hold a future meeting in Cookstown, in order to facilitate an early visit by all Board Members to the new Police College site.

4.4 Conference Entitled Encountering ‘The Other’

The Committee noted that a 3 day residential conference entitled Encountering ‘The Other’ would be held in the University of Ulster at Magee, Derry / Londonderry between 25 and 28 June 2004. Any Members interested in attending were asked to notify officials accordingly.

4.5 Allegations Made By Sinn Fein In Relation To Policing

The Committee noted that further to the Chairman’s visit to Washington during St Patrick’s week, he had written a paper setting out the position in relation to a number of issues raised by Sinn Fein concerning policing. The paper had been issued to the Secretary of State, the Department of Foreign Affairs, a number of officials in the NIO, the US Department of State, the American Consulate in Belfast and a number of individuals in the local media.

The Committee agreed that the document should be issued to all Board Members.

4.6 Publications

The Chairman advised Members that he had placed the following publications in the library:-

- Independent Commissioner For Detained Terrorist Suspects – 11th Annual Report - 2003
- Police Complaints Authority – Study on Stop and Search Complaints 2000/2001
- One Step Ahead – A 21st Century Strategy To Defeat Organised Crime, published by the Home Office
- Racial Harassment in Northern Ireland by Neil Jarman and Rachael Monaghan

The Committee agreed that the authors of the report on Racial Harassment in Northern Ireland should be invited to give a presentation to the Community Involvement Committee on their research.

4.7 News Releases

The Chairman highlighted a number of news releases which had recently been issued by the Northern Ireland Information Service concerning a variety of issues.

4.8 IMC Report

The Chairman advised the Committee that he had received a copy of the 1st report of the Independent Monitoring Commission, published on 20 April 2004. Any Members wishing to obtain a copy of the report was advised to contact officials.

4.9 Strategy Day

The Chairman reminded Members that the PSNI / NIPB Strategy Day had been arranged for 28 and 29 April 2004 and that a full attendance of Members would be appreciated.

4.10 Oversight Commissioner – April 2004 Report

The Committee noted that Report 10 by the Office of the Oversight Commission was due for publication on 27 April 2004. The Chairman advised Members that he had met with representatives from the Commission on 21 April 2004.

The Committee noted that as on previous occasions, areas of concern contained in the report would be identified by officials and brought to the relevant Board committees.

4.11 Independent Assessor – Police Recruitment Regulations 2001

The Committee noted the content of a letter received from the Secretary of State concerning the appointment of the Independent Assessor for vetting decisions, in accordance with Regulation 13(2) of the Police (Recruitment) (NI) Regulations 2001. The Committee noted that the current Assessor had served since 1 May 2001 and that he was willing to continue in office for a further 2 years. The Secretary of State proposed to continue his appointment for a further 2 year period and sought the views of the Board in accordance with Schedule 13 of the Police (Recruitment) Regulations.

The Committee endorsed the Secretary of State's view and supported the reappointment.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Format Of Board / Committee Minutes – Confidentiality And Freedom Of Information Legislation

The Chief Executive reminded the Committee that in accordance with the Board's publication scheme, minutes of Board and Committee meetings had been published on the website since 1 January 2004. A small number of items of a sensitive or confidential nature had been discussed at the meetings. The Chief Executive sought and received Committee endorsement that the minutes of such discussions be recorded separately, as a confidential appendix to the minutes and that the full minutes of these discussions should not be placed on the website.

The Chief Executive advised that the Board's approach to the minuting and publication of sensitive items would evolve further, prior to the implementation of Freedom of Legislation on 1 January 2005.

5.2 NIPB Annual Report

The Chief Executive reminded Members of the previous format of the Board's Annual Report and sought the views of the Committee about proposals for the publication of the next Report. He advised that consideration was being given to inserting a summary magazine of the document in local newspapers. The cost of such an exercise was being examined.

The Chief Executive also reminded Members that the Chief Constable had revised the format of his report and that the Board had a responsibility to publish its report as soon as possible after the publication of the Chief Constable's report.

A number of Members indicated that it would be helpful to have a report in the usual format, together with the magazine. The Chief Executive advised that the cost implications of this proposal would be examined.

5.3 Personal Security Of Members

Following the delivery of a viable explosive device to the Board's offices on 19 April 2004, the Chief Executive outlined the action that had been taken by staff in dealing with the matter.

With regard to Members personal security, the Chief Executive advised that the PSNI had offered to provide further crime prevention advice to Members and others who may be involved in handling Members' mail.

Members discussed a number of issues concerning personal security and the protection of individuals, including DPP members, by the police.

6. PSNI REVIEW OF PAY, APPRAISAL, PERFORMANCE RELATED PAY AND ALLOCATION OF DUTIES: SMT AND SCS – IMPLEMENTATION PROGRESS REPORT

The Committee noted that a circular had been received from the NIO on 21 April 2004 advising of the details of the Police Negotiating Board (PNB) Agreement in respect of chief officers. Officials were considering the content of the circular and a report would be presented to Members at the May 2004 Board meeting.

7. APPOINTMENT OF SENIOR CIVILIAN STAFF (PSNI)

The Committee considered a paper regarding the need to seek the Secretary of State's approval for the extent of the Board's involvement in the appointment of senior civilian staff of the PSNI.

The Committee agreed to seek the Secretary of State's approval for its policy on the definition of senior civilian employees, as required under Section 7 of Paragraph 4 of the Police (NI) Act 2000.

8. CORPORATE PLAN 2005-08 – PROCESS AND TIMETABLE

The Committee considered a paper containing proposals on the process and timetable for developing the Board's 2nd Corporate Plan covering the period 2005-08.

The Committee considered the format and extent of external consultation to be undertaken during the process. The Committee agreed that contact with the PSNI, NIO and feedback from DPPs would provide sufficient input to the consultation process.

The Committee agreed the proposed process and timetable.

During discussion, officials undertook to provide Members with a copy of the results of a forthcoming staff attitudes survey.

9. REVIEW OF MEMBERS REMUNERATION

The Committee considered a paper updating Members on the implementation of the revised allowances for Members which were reported to the Board at the April 2004 meeting. The paper also sought the initial views of the Committee in respect of the most appropriate method for distribution of the discretionary Special Responsibility Allowance for Committee Chairpersons. The Committee noted that a total amount of up to £14,000 (7 Committees x £2,000) is available for distribution at the discretion of the Board. The Committee noted that the Chairman and Vice-Chairman of the Board, and political Members, as identified under Part 3 of Schedule 1 to the Police (NI) Act 2000 are excluded from receiving this Special Responsibility Allowance.

Members discussed a number of proposals contained in the paper. It was agreed that a further paper be brought to the next meeting of the Committee concerning the distribution of the Special Responsibility Allowance and that the views of the NIO be sought regarding the allocation of allowances to Members serving on or Charing other groups / bodies (e.g. Police College Sub-Group).

10. CORY COLLUSION INQUIRY REPORTS

The Committee noted 2 papers summarising the key findings of the Cory Collusion Inquiry Reports.

The Committee agreed to put a question to the Chief Constable at the next Board meeting concerning the implementation of recommendations flowing from these and other external reports.

A Member enquired about the cost implications for the PSNI in taking forward the Cory Collusion Inquiry recommendations and whether this additional expenditure would be taken from the current police grant. Officials undertook to ascertain how the policing input would be funded.

11. CONVICTION OF COUNCILLOR ARTHUR TEMPLETON – ELECTED MEMBER OF NEWTOWNABBEY DISTRICT POLICING PARTNERSHIP

The Committee considered 2 papers concerning legal advice regarding the conviction of Councillor Arthur Templeton, a political member of Newtownabbey DPP who had been convicted on 2 April 2004 of harassing Mr John Blair on the grounds of his sexual orientation.

The Committee noted that the Community Involvement Committee had considered this issue at their meeting on 8 April 2004. In view of legal advice received from the Crown Solicitor's Office and that Councillor Templeton had 14 days from the date of his Hearing to appeal against his conviction, the Community Involvement Committee had agreed that any further consideration of Councillor Templeton's position on the DPP be referred for consideration to the Corporate Policy Committee. The Committee noted that the period during which Councillor Templeton could have lodged an appeal had expired on 16 April 2004 and by that date no appeal had been lodged in the case. The Committee noted that the Board was now in a position to consider what further action it might wish to take with regard to Councillor Templeton's position as a political member of Newtownabbey DPP.

The Committee considered legal advice received from the Crown Solicitor's Office. During discussion, the following points were highlighted:-

- The offences for which Councillor Templeton were convicted related to incidents which occurred in or around June 2001 and 2002. Councillor Templeton was nominated by Newtownabbey Borough Council as a political member to the DPP in August 2002 and the DPP was formally established on 1 March 2003;
- Newtownabbey Borough Council had not issued terms of appointment to political members of the DPP;
- The Committee noted a disparity between the legislation governing the appointment eligibility of councillors and independent DPP members who had been convicted of criminal offences.

Following further discussion, a motion was proposed and seconded that:-

“The Committee recommends that the Board, using the powers granted to it in paragraph 7(1)(e) of Schedule 3 of the Police (Northern Ireland) Act 2000, removes Councillor Arthur Templeton from office as a political member of Newtownabbey DPP subsequent to his conviction on 2 April 2004 under the Protection From Harassment Order (NI) 1997 as the Policing Board considers him to be unfit to discharge the functions of that office”.

Following a show of hands, the majority of Members voted in favour of the motion.

The Committee agreed that:-

- Councillor Templeton be informed of the Board's intent to consider his position as a political member of the DPP at its next meeting arranged for 12 May 2004 and that he be invited to make representation to the Board before it makes a decision on the matter;
- The Committee's recommendation be brought to the next Board meeting.

A Member indicated that he intended to make public comment on this matter and convey the issues that he had raised during discussion to the media.

12. MATTERS TO BE RAISED WITH THE CHIEF CONSTABLE AT THE NEXT BOARD MEETING

The Committee agreed that the question identified under item 10 should be raised with the Chief Constable. In addition, a Member indicated that he wished to draft a further question in relation to the Cory Collusion investigation reports.

The Committee also agreed to put 3 questions regarding:-

- (i) The latest developments in Crime Operations Department
- (ii) The organisational means of tackling organised crime
- (iii) The publication of guidelines for C3 Branch.

13. PRESS ISSUES

The Committee noted that a brief statement would be issued in respect of Item 11.

14. ANY OTHER BUSINESS

14.1 Draft Code Of Ethics: Office Of The Police Ombudsman For Northern Ireland

The Board noted a paper concerning the preparation of a draft Code of Ethics by the Office of the Police Ombudsman.

The Committee noted that at the March Human Rights and Professional Standards Committee, the Ombudsman had given Members a copy of the draft Code and sought comments by the end of April. As the HRPS Committee was not due to

meet again until May, the paper had been brought to the Corporate Policy Committee for consideration.

The Committee noted the contents of the draft Code and that of the PSNI Code of Ethics.

The Committee agreed to:-

- Welcome the Code as a means of displaying equity of treatment between PSNI and PONI officers and as a means of building confidence in PONI among police officers
- Acknowledge that the Code, while necessarily different in some respects, covers the key ethical standards that will be applied to PSNI officers.

The Committee agreed that officials should write to OPONI conveying these comments.

15. DATE OF NEXT MEETING

The Committee agreed that the next meeting should be arranged for 20 May 2004.

(Meeting closed 1:10 pm).

Secretariat

April 2004

Chairman