

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE 41st MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY 2 MARCH 2005 IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Professor Sir Desmond Rea (Chairman)

Mr Alex Attwood

Viscount Brookeborough

Mr Joe Byrne

(1) Mr Sam Foster

Mr Barry Gilligan

(2) Mr Willie Hay

(3) Lord Kilclooney

(4) Mr Eddie McGrady

Mr Alan McFarland

(5) Mrs Rosaleen Moore

Mr Ian Paisley Jnr

(2) Mr Sammy Wilson

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(6) Mr Hugh Orde (Chief Constable)

(6) Mr Paul Leighton (Deputy Chief Constable)

(6) Mr Sam Kinkaid (ACC Crime Operations Department)

(7) Mr Duncan McCausland (ACC Urban Region)

(7) Mr Peter Sheridan (ACC Rural Region)

(6) Ms Sinead McSweeney (Head of Media)

(6) Chief Superintendent, Command Secretariat

(6) Chief Inspector, Command Secretariat

(8) Chief Superintendent, Operations

DEFENCE SCIENCE AND TECHNICAL LABORATORY IN ATTENDANCE

(8) Two Officials

**NORTHERN IRELAND OFFICE (8) Three Officials
IN ATTENDANCE**

OFFICIALS IN ATTENDANCE: Mr Trevor Reaney (Chief Executive)
Mr Sam Hagen (Director of Corporate Services)
Mrs Sinead Simpson (Director of Policy)
Mr David Wilson (Director of Planning)
Four Board Officials

- (1) Part Item 1 – part Item 17
- (2) Item 2 to close
- (3) Item 1 to part Item 17
- (4) Item 3.7 to close
- (5) Item 3.4 to close
- (6) Item 13 only
- (7) Item 13 and 17 only
- (8) Item 17 only

1. APOLOGIES

Apologies for non-attendance were received from Mr Bradley (Vice-Chairman), Mr Cobain, Mr Dougherty, Mr Kelly, Mrs McCabe and Mr Sharma.

2. MINUTES OF MEETINGS OF THE POLICING BOARD

Amendment Of Draft Minutes Of The Policing Board Meeting Held On 1 December 2004

The Board considered a paper which outlined details of a recommendation which had been made at the February 2005 Corporate Policy Committee regarding the wording of paragraph 3.4 of the draft Board minutes of 1 December 2004. The Chairman drew attention to the need for the minute to reflect the views of the Member in response and the position of the Board on the matter.

It was:

RESOLVED

That the revised draft wording proposed by the Corporate Policing Committee in respect of paragraph 3.4 should be adopted along with the additional amendments proposed by the Chairman.

The revised minute would now read as follows:

3.4 Human Rights Advisors – Presentation On Parades (Item 3.5 Of Minutes Refers)

‘A Member drew the attention of the Board to comments made to the media by a Board Member, following the Board’s consideration of the Human Rights Advisors report on the Policing of the Ardoyne Parade on 12 July 2004. The Member expressed the view that the comments were racist in nature and requested that the Member reconsider and withdraw certain comments that he had made about the Advisors.

Following discussion, the Member concerned did not accept that the comments were racist in nature and indicated that he would communicate directly with both Human Rights Advisors about the matter. Members agreed that the Chairman should write to the Human Rights Advisors on behalf of the Board to express regret regarding the remarks which had been made by the Member and to express appreciation for their work.’

Minutes Of The 38th Meeting Of The Policing Board Held On 1 December 2004

It was:

RESOLVED

That the minutes of the 38th Board meeting held on 1 December 2004 be approved.

**2.3 Minutes Of The 40th Meeting Of The Policing Board Held On
3 February 2005**

It was:

RESOLVED

That the minutes of the 40th Board meeting held on 3 February 2005 be approved.

2.4 Minutes Of The Board Meeting In Public Held On 3 February 2005

It was:

RESOLVED

That the minutes of the Board meeting in public held on 3 February 2005 be approved.

**3. MATTERS ARISING FROM THE MINUTES OF THE POLICING BOARD
MEETING HELD ON 3 FEBRUARY 2005**

**3.1. Association Of Police Authorities (APA) Policy Groups And Networks
(Item 3.1.6 Of Minutes Refers)**

The Chief Executive advised that there were no developments. NOTED.

3.2 Dealing With The Past (Item 3.1.7 Of Minutes Refers)

It was:

RESOLVED

That the group of Members who were considering “Defining the Role of the Board within the Policing Architecture” should consider the issue of ‘Dealing with the Past’.

3.3 Medal And Duty Payment For Part-Time Reserve Officers (Item 3.1.10 Of Minutes Refers)

At its February 2005 meeting, the Corporate Policy Committee had considered a paper detailing the existing arrangements for the award of police medals and duty payments to Part-Time Reserve Officers and had agreed that further information should be sought regarding: -

- Whether Part-Time Reserve officers are included in the RUC George Cross citation.
- Clarification on whether medals had been issued to members of the Part-Time Reserve in accordance with the relevant legislation. NOTED

It was:

AGREED

- That further consideration should be given to the independent Board Members meeting with representatives from the Part-Time Reserve to discuss duty payments.

3.4 Northern Ireland Policing Board’s Human Rights Annual Report (Item 3.1.13 Of Minutes Refers)

This matter was dealt with under item 8.3.

3.5 PSNI Human Resource Planning Strategy 2005 - 2008 (Item 3.3.1 Of Minutes Refers)

At its February 2005 meeting the Human Resources Committee had considered the Human Resource Planning Strategy 2005–08. NOTED.

It was:

AGREED

- That the PSNI Human Resource Planning Strategy 2005-08 should be issued to all Members of the Board.

3.6 Venue for April 2005 Policing Board Meeting (Item 5.5 Of Minutes Refers)

The Chairman advised Members that it had not been possible to obtain a suitable venue in Derry/Londonderry City Centre to hold a Board meeting in public in April 2005. NOTED.

It was:

RESOLVED

That a Policing Board meeting in public should be held in Londonderry in June 2005.

3.7 Spokespersons for Board Committees (Item 17.2 of Minutes Refers)

The Board noted details of the number of occasions that the Chairman and Vice-Chairman had issued news releases and the number of times that releases had been issued quoting the Chairpersons of Committees or other Members, following approval by the Chairman of the Board.

4. CHAIRMAN'S BUSINESS

4.1 Engagements

The Chairman had undertaken the following engagements on behalf of the Board:

Institute of Logistics and Transport Dinner – Europa Hotel, Belfast - 16 February 2005. NOTED.

- Signing of protocols to facilitate the movement of Officers between the Garda Siochana and PSNI – Hillsborough Castle – 21 February 2005. NOTED
- Presentation of certificates to PSNI Community Affairs Officers – Stranmillis College, Belfast – 22 February 2005. NOTED
- Dinner with the Chairman and Board of Governors of the BBC – Belfast - 22 February 2005. NOTED
- Seminar 'Where does Northern Ireland fit in a new regional economic policy?' – Jordanstown Campus, University of Ulster – 23 February 2005. NOTED
- Meet the Editors' Lunch – 23 February 2005. NOTED
- Visit to NI Fire Brigade Headquarters – 24 February 2005. NOTED

The Board discussed the signing of protocols which will facilitate the movement of Officers between the Garda Siochana and PSNI.

It was:

AGREED

- Clarification should be obtained regarding the oath which Members of the Garda Siochana will be operating under whilst serving in Northern Ireland.

- Clarification should be obtained on the disciplinary authority that Officers from the Garda Síochána would be accountable to whilst serving in Northern Ireland.
- The Chairman should write to the Garda Síochána Commissioner recommending that consideration be given to Senior Garda appointments being publicly advertised.
- The Human Resources Committee should consider arranging a meeting to discuss the operation of the protocols to which representatives of the Garda Síochána should be invited to attend.

4.2 Publications

The following publications had been placed in the Library: -

- 6th Annual Report of the Northern Ireland Parades Commission. NOTED
- Interim Evaluation of the Northern Ireland Youth Conferencing Scheme – NIO Research and Statistical Bulletin 1/2005. NOTED
- Perceptions of and concern about crime in Northern Ireland: Findings from the 2003/04 Northern Ireland Crime Survey. NIO Research and Statistical Bulletin 6/2004. NOTED

4.3 Correspondence

The Chairman informed Members that he had received the following correspondence:

- A letter from the Secretary of State regarding the Draft Policing Plan 2005 – 2008. NOTED

- A letter from the Secretary of State regarding the draft order to introduce amendments to the Police (NI) Act 2000. NOTED
- A letter from the Chief Commissioner of the Northern Ireland Human Rights Commission to the Secretary of State regarding the Northern Ireland Human Rights Commission. NOTED
- A letter from the Police Ombudsman regarding the investigation by Police of the murder of Eoin David McMorley on 15 April 1990. NOTED
- A letter from the Secretary of State regarding the continuation of the Office of Oversight Commissioner. NOTED

4.4 Conference On Tackling Anti Social Behaviour

A conference on Tackling Anti Social Behaviour would be held in London on 15 March 2005. Any Member interested in attending the conference is asked to contact Secretariat. NOTED

4.5 Arrangements For Board Members To Visit Boston/Chicago/Washington In March 2005

Visits to Boston, Chicago and Washington would be undertaken by Board Members, Officials, DPP members and PSNI officers during March 2005. NOTED

4.6 News Releases

The Chairman informed Members about the following news releases:-

- A news release congratulating Sir Ronnie Flanagan on his appointment as HM Chief Inspector of Constabulary – Board – 8 February 2005. NOTED
- A news release regarding consultation on reform of criminal records disclosure – NIO – 16 February 2005. NOTED

- A news release concerning the signing of protocols between the PSNI and an Garda Siochana – NIO – 21 February 2005. NOTED
- A statement on National Security Intelligence Work – NIO – 24 February 2005. NOTED

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Chief Officers – New Severance Arrangements

The Chief Executive drew the attention of Members to a paper regarding the new severance arrangements for Chief Police Officers. NOTED.

5.2 Severance Arrangements – Assistant Chief Constable

The Chief Executive drew the attention of Members to a letter from the Chief Constable in relation to severance arrangements for an Assistant Chief Constable. NOTED.

It was:

RESOLVED

That the Assistant Chief Constable's severance request should be Approved and red-circled until 31 March 2006 to enable the Officer to carry through to completion aspects of the work that the Officer has commenced, and that a paper be presented to the next Corporate Policy Committee on the Board's policy regarding severance arrangements for Chief Officers.

It was also:

AGREED

- That the possibility of extending the Assistant Chief Constable's

red-circling for a further year be explored

- That the red-circling of severance payments to Full-Time Reserve officers should be explored by Officials.

5.3 Review Of Organised Crime Task Force

The Chief Executive drew the attention of Members to a letter from the Parliamentary Under Secretary of State for Northern Ireland in relation to a review of the Organised Crime Task Force. NOTED.

It was:

AGREED

That the Corporate Policy Committee should consider and make recommendations to the Board on aspects of the work of the Organised Crime Task Force.

5.4 Seminar on Effective Governance

The Chief Executive drew the attention of Members to a seminar on Effective Governance which would be held in Belfast on 12 April 2005. NOTED.

5.5 Corporate Governance Arrangements

The Chief Executive drew the attention of Members to a questionnaire which had been circulated regarding corporate governance arrangements. NOTED.

5.6 Threats Against Members Of District Policing Partnerships (DPPs)

The Chief Executive drew the attention of Members to a threat against a Member of a DPP. NOTED.

5.7 Conference On Restorative Justice

A Member referred to a Human Rights Restorative Justice Conference which had been held on 28 February 2005 and enquired whether all Members of the Board had been invited to attend.

It was:

AGREED

That Officials would establish whether the conference had been open to all Members of the Board to attend.

6. CORPORATE POLICY COMMITTEE MEETINGS

6.1 Minutes Of The 40th Meeting Of The Corporate Policy Committee Held On 20 January 2005

It was:

RESOLVED

To adopt the ratified minutes of the 40th meeting of the Corporate Policy Committee held on 20 January 2005.

6.2 Minutes Of The 41st Meeting Of The Corporate Policy Committee Held On 15 February 2005

It was:

RESOLVED

To adopt the draft minutes of the 41st meeting of the Corporate Policy Committee held on 15 February 2005.

The Chairman drew the attention of Members to the following item:-

6.2.1 Gershon Efficiencies – NIPB Plan (Item 8 Of Minutes Refers)

The Committee had considered a paper detailing plans for the Board to achieve the 7.5% Gershon Efficiency savings. Members had questioned officials about the impact that the savings would have on the work of District Policing Partnerships, salary savings in respect of vacant posts and funding for recruitment of new DPP members and it was agreed that the Committee would further explore the issues raised. NOTED.

6.3 Standing Orders – Questions For The Chief Constable

The Board considered a paper which outlined details of recommendations which had been made at the February 2005 Corporate Policy Committee in respect of questions to the Chief Constable at Board meetings and consequent amendments to standing orders 9(d) and 14(c).

It was:

AGREED

- That the 7 day deadline for receipt of questions be enforced
- That supplementary questions from Members be permitted, in accordance with the discretion of the Chairman
- That the Board adopt a procedure whereby a question may be received from a member of the public which will then be put to the Chief Constable by a Board Member. The same conditions will apply to such questions as apply to questions from Members.

7. COMMUNITY INVOLVEMENT COMMITTEE MEETINGS

Minutes Of The 15th Meeting Of The Community Involvement Committee Held On 13 January 2005

It was:

RESOLVED

To adopt the ratified minutes of the 15th meeting of the Community Involvement Committee held on 13 January 2005.

7.2 Minutes Of The 16th Meeting Of The Community Involvement Committee Held On 9 February 2005

It was:

RESOLVED

To adopt the draft minutes of the 16th meeting of the Community Involvement Committee held on 9 February 2005.

7.3 Removal Of A DPP Member From Office

The Board considered a paper which outlined details of recommendations which had been made at the February 2005 Community Involvement Committee in respect of the removal of DPP Members under the Board's policy for the removal of DPP Members from Office.

It was:

RESOLVED

Case 1

That the Elected Member of Newtownabbey DPP should not be removed from office.

Case 2

That the Elected Member of Antrim DPP should not be removed from office.

Case 3

That the Independent Member should be removed from office as a Member of Antrim DPP in view of their unsatisfactory attendance record.

8. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING

8.1 Minutes Of The 11th Meeting Of The Human Rights And Professional Standards Committee Held On 14 December 2004

It was:

RESOLVED

To adopt the ratified minutes of the 11th meeting of the Human Rights and Professional Standards Committee held on 14 December 2004.

8.2 Minutes Of The 12th Meeting Of The Human Rights And Professional Standards Committee Held On 15 February 2005

It was:

RESOLVED

To adopt the draft minutes of the 12th meeting of the Human Rights and Professional Standards Committee held on 15 February 2005.

8.3 Human Rights Advisors Annual Report 2005

The Board received the Human Rights Advisor's Annual Report 2005 and noted the arrangements for its launch to the public on 7 March 2005. NOTED.

It was:

RESOLVED

To endorse the recommendations contained with the report.

9. HUMAN RESOURCES COMMITTEE MEETINGS

9.1 Minutes Of The 33rd Meeting Of The Human Resources Committee Held On 28 January 2005

It was:

RESOLVED

To adopt the ratified minutes of the 33rd meeting of the Human Resources Committee held on 28 January 2005.

9.2 Minutes Of The 34th Meeting (Quorum) Of The Human Resources Committee Meeting Held On 28 January 2005

It was:

RESOLVED

To adopt the ratified minutes of the 34th meeting (Quorum) of the Human Resources Committee held on 28 January 2005.

10. FINANCE AND GENERAL PURPOSES COMMITTEE MEETING

10.1 Minutes Of The 12th Meeting of the Finance and General Purposes Committee Held On 21 January 2005

It was:

RESOLVED

To adopt the draft minutes of the 12th meeting of the Finance and General Purposes Committee held on 21 January 2005.

11. AUDIT AND BEST VALUE COMMITTEE MEETING

11.1 Minutes Of The 9th Meeting Of The Audit And Best Value Committee Held On 27 January 2005

It was:

RESOLVED

To adopt the draft minutes of the 9th meeting of the Audit and Best Value Committee held on 27 January 2005.

12. APA SELF ASSESSMENT FRAMEWORK

The Board considered a paper referred by Corporate Policy Committee. It provided Members with a first draft of a self assessment of the Board's

performance judged against the APA Assessment and Improvement Framework for Police Authorities.

The Board also considered whether it should invite an external body to undertake an independent assessment of the Board's performance against the framework. A Member reminded the meeting of the imminent publication of the report of the Northern Ireland Affairs Committee (NIAC) Inquiry into the role and function of the Policing Board.

It was:

AGREED

That a revised paper should be prepared for consideration by the Corporate Policy Committee, providing a range of options for independent assessment of the performance of the Board, taking account of the NIAC report.

13. QUESTIONS FOR THE CHIEF CONSTABLE

The Chairman welcomed the Chief Constable and other PSNI personnel to the meeting.

In response to questions from Members, the Board was given information about:-

- Various methods of communication used by the police and local communities to attempt to resolve issues of persistent disturbance and nuisance disrupting the lives of local residents
- An attack on Lurgan police station in January 2005 and the deployment of security personnel at the station
- Preparations being made by police for the 'marching season' in Urban and Rural Regions, including communication arrangements between the police and local representatives, communities at interface areas, the loyal orders and the Parades Commission

- The issue of statements to the media in relation to investigations into the alleged assault of a pupil at Laurehill School, Lisburn
- The Chief Constable's response to calls for representatives from Sinn Fein to join the Policing Board
- The policing budget for the next 3 financial years.

The Chief Constable indicated he would write to the Board in response to 2 late questions regarding 3 murder investigations.

The Board moved to its meeting in public and following the completion of this session, the PSNI personnel left the meeting.

14. ANY OTHER BUSINESS

No other business was conducted.

15. PRESS ISSUES

It was:

AGREED

That there were no issues arising from the meeting that should be included in a news release.

16. DATE OF NEXT MEETING

The date of the next meeting was arranged for 7 April 2005 at Waterside Tower, Belfast.

17. PRESENTATION BY PSNI AND NIO REGARDING THE DEVELOPMENT OF THE ATTENUATING ENERGY PROJECTILE

The Chairman welcomed representatives from the Defence Science and Technology Laboratory (DSTL), Northern Ireland Office (NIO) and Police Service of Northern Ireland (PSNI) to the meeting.

An NIO representative gave apologies for the non-attendance of the Chairperson of the UK-wide Steering Group leading research on alternatives to baton rounds, who was unable to attend the meeting.

NIO representatives gave a brief summary of the background to the establishment of the Steering Group, the extensive research programme that the Group had undertaken and the findings that had been given in the 4 reports published to date. A 5th report is due to be published in April 2005. Members were advised that it is anticipated that the new Attenuating Energy Projectile (AEP) would provide a less lethal alternative than the current baton round and that it would be introduced throughout the police forces in the United Kingdom to replace the current L21 A1. The army in Northern Ireland would also adopt the new baton round. NOTED.

A representative from DSTL gave a detailed presentation on the design and production requirements, testing and performance properties of the AEP. Members also received a briefing on the findings of the Defence Scientific Advisory Council Sub-Committee on the Medical Implications of Less Lethal weapons (DOMILL). The findings were due to be presented to Ministers in the near future. NOTED.

Following the presentation, the following issues were discussed:-

- the unfortunate need for either the L21 or safer alternatives, due to the policing situations that officers have to deal with;
- the move towards the use of AEP as part of a UK-wide common weaponry system, and the implications, not least from a health and

safety or human rights perspective, if PSNI did not adopt this less lethal alternative;

- the properties of the AEP;
- the medical testing that had been carried out regarding the nature of injuries that could be inflicted, particularly if children were struck by the projectile;
- the range of the weapon;
- arrangements for the training of officers using the weapon and the issue of guidance for its use;
- the duty of care placed on the Chief Constable and the Board to secure the health and safety of police officers
- the requirements and proposed timescale for the replacement of the current baton round in Northern Ireland;
- lack of formal sign off on the use of the AEP by DOMILL and Ministers;
- lack of formal sign off of ACPO Guidelines;
- the role of the Board in the decision making process concerning the introduction of the AEP.
- the fact that the establishment of a Steering Group to look at alternative to baton rounds, was as a direct result of Patten recommendations 69 and 70.

The representatives from DSTL, NIO and PSNI left the meeting.

The Chairman drew the attention of Members to a paper containing correspondence from the Chief Constable and the Northern Ireland Commissioner for Children and Young People (NICCYP) concerning the AEP. He also drew their attention to relevant correspondence, that had been tabled, received from the NIO, the Committee on the Administration of Justice and the Pat Finucane Centre.

NOTED.

Members discussed the presentations that had been received and role of the Board in the decision making process to introduce the AEP as a replacement for the L21 A1 baton round.

Following further discussion it was suggested that discussion on the role of the Board and the introduction of AEP should be continued at a special Board meeting.

Following a show of hands:

It was:

AGREED

That the Board should hold a special meeting to discuss outstanding issues relating to the Attenuating Energy Projectile and that further information be obtained for the meeting, including legal advice on the role of the Board.

(Meeting closed 4:10pm).

Secretariat

March 2005

CHAIRMAN