

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 4 OCTOBER 2007 AT 4.00PM IN THE MARINE COURT HOTEL, BANGOR.

PRESENT:

MEMBERS:

- Professor Sir Desmond Rea (Chairman)
- Mr Barry Gilligan (Vice Chairman)
- Ms Martina Anderson
- (1) Mr Tom Buchanan
- Mr Leslie Cree
- Mrs Dolores Kelly
- Mr Alex Maskey
- Mrs Rosaleen Moore
- Mr Basil McCrea
- (2) Mr Daithí McKay
- Mr Gearóid Ó hEára
- Mr Brian Rea
- Mr Trevor Ringland
- Mr David Rose
- Mr Suneil Sharma
- Mr Peter Weir

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (3) Sir Hugh Orde (Chief Constable)
- (3) Mr Alistair Finlay (ACC Crime Support)
- (3) Mrs Judith Gillespie (ACC Rural Region)
- (3) Mr Drew Harris (ACC Criminal Justice)
- (3) Mr Peter Sheridan (ACC Crime Operations)
- (3) Mr Roy Toner (ACC Operational Support)
- (3) C/Superintendent Bill Woodside, Urban Region
- (3) Mr David Best (Director of Finance & Support Services)
- (3) Ms Sinead McSweeney (Director of Media and Communications)
- (3) Mr Joe Stewart (Director of Human Resources)
- (3) C/Inspector, Command Secretariat
- (3) 7 PSNI personnel

POLICING BOARD HUMAN RIGHTS ADVISOR

- (4) Ms Jane Gordon

**OFFICIALS IN
ATTENDANCE:**

Mr Trevor Reaney (Chief Executive)
Dr Debbie Donnelly (Deputy 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)
4 Board Officials

- (1) Part Item number 7.2 to close**
- (2) Part Item number 10.2 only**
- (3) Item number 16 only**
- (4) Item number 10.2 only**

1. APOLOGIES, ETC

Apologies were received on behalf of the Rt Hon Jeffrey Donaldson, Ms Mary McKee and Mr David Simpson. NOTED.

2. MINUTES OF MEETINGS OF THE POLICING BOARD

2.1 Minutes Of The Policing Board Meeting Held On 6 September 2007

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 6 September 2007 be approved.

2.2 Minutes Of The Policing Board Meeting In Public Held On 6 September 2007

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting in public held on 6 September 2007 be approved.

2.3 Minutes Of The Policing Board Meeting Held On 21 September 2007

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 21 September 2007 be approved.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING

3.1 Meeting Held On 6 September 2007

3.1.1 Historical Enquiries Team (Item 3.2 Of Minutes Refers)

Officials informed the Board that the terms of reference for the review of the Historical Enquiries Team were awaited from the NIO. NOTED.

It was:-

AGREED:

That officials should expedite a response from the NIO.

3.1.2 RUC GC Foundation (Item 3.3 Of Minutes Refers)

The Chief Executive advised Members that a decision was expected in the near future from the Secretary of State concerning the appointment of Trustees of the Royal Ulster Constabulary George Cross Foundation. NOTED.

3.1.3 Research Support For Political Members Of The Board (Item 3.5 Of Minutes Refers)

This matter was dealt with at item 6.1.

3.1.4 Policing Board Meetings In Public – Questions From Members Of The Public Attending Board Meetings/Locations And Timings Of Meetings (Item 3.6 Of Minutes Refers)

This matter was dealt with at item 12.

3.1.5 Minutes Of The Policing Board (Item 3.9 Of Minutes Refers)

The Chief Executive informed Members that a paper would be brought to the October 2007 Corporate Policy, Planning and Performance Committee meeting for consideration. NOTED.

3.1.6 Invitation To Meet With Disabled Police Officers' Association (Item 4.5 Of Minutes Refers)

The Chief Executive advised the Board that no Members had expressed their availability to date to meet with the Disabled Police Officers' Association (DPOA) and he suggested that the Board's RUC GC Foundation Trustee, when appointed by the Secretary of State, could meet with the DPOA.

A number of Members indicated that they would be interested in attending a meeting with the DPOA.

It was:-

AGREED:

That a meeting should be arranged with the DPOA.

3.1.7 Meeting With The Strategic Review Of Parades Panel (Item 4.6 Of Minutes Refers)

Officials advised Members that a meeting with the Strategic Review of Parades Panel had been arranged for 8 October 2007 at 3.00pm. NOTED.

3.1.8 Delay In Security Clearance (Item 5.3 Of Minutes Refers)

The Chief Executive informed the Board that the letter from ACC Criminal Justice concerning delays in the processing of security clearances by PSNI, for government and other agencies was for Members information only. The ACC had discussed the content of the letter with the Member who had raised the issued. NOTED.

3.1.9 Invitation To Dinner Hosted By The Secretary Of State (Item 5.7 Of Minutes Refers)

The Chief Executive advised the Board about an invitation which had been issued to Members to a dinner which the Secretary of State was hosting in Hillsborough Castle on 22 October 2007 at 6:30pm for 7pm. NOTED.

3.1.10 Association of Police Authorities – National Representative Roles (Item 5.8 Of Minutes Refers)

The Chief Executive advised the Board that no Members had applied for Association of Police Authorities (APA) National Representative Roles. He also informed the Board that a review of APA was being undertaken. NOTED.

3.1.11 Monitoring Of Blakey, Crompton & Stevens 3 Reports (Item 6.2 Of Minutes Refers)

The Chief Executive informed the Board that neither the original Blakey, Crompton and Stevens 3 reports nor the HMIC monitoring reports had been previously circulated to Members. HMIC was reviewing whether any of these reports could be circulated to Members. NOTED.

3.2 Meeting Held On 21 September 2007

There were no matters arising.

4. CHAIRMAN'S BUSINESS

4.1 Engagements

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

- meeting with Peter Neyroud (Chief Executive of NPIA), Peter Holland (Chairman of NPIA) and C/Superintendent Gavin McKinnon – 20 & 21 September 2007;
- PSNI Graduation Ceremony – Belfast – 21 September 2007;
- meeting with Nigel Dodds – Belfast - 24 September 2007;
- meeting with Victims Support – Belfast – 25 September 2007;
- launch of Government Accreditation of Northern Ireland Alternatives – Belfast – 26 September 2007;
- CBI Northern Ireland Annual Luncheon – Belfast – 27 September 2007;
- National Policing Improvement Agency and Association of Chief Police Officers Inagural Annual Dinner – Bramshill – 27 September 2007;
- National Police Memorial Day Service – Edinburgh - 30 September 2007;
- Oral Evidence Session of the Assembly and Executive Review Committee – Belfast – 2 October 2007. A copy of the evidence would be issued to all Board Members;
- Dinner with the Ambassador of Russia – Hillsborough – 2 October 2007.

NOTED.

Members suggested that it would be useful for the Board to meet with Northern Ireland Alternatives.

It was:-

AGREED:

That the Board's Community Engagement Committee should consider arranging a meeting with Northern Ireland Alternatives.

4.2 Publications

The Chairman highlighted the following publication that had been received:-

- British Red Cross Local Impact Report 2006

NOTED.

4.3 Correspondence

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

- letter dated 18 September 2007 from the NIO regarding consultation on the Draft Code of Practice on the Appointment of Independent Members of DPPs and Belfast DPP Sub Groups;
- two Section 55(4) Reports from the Police Ombudsman which had been passed to the Human Rights and Professional Standards Committee for consideration at its next meeting ;
- letter dated 19 September 2007 from PSNI Head of Equality/Diversity regarding Revised Action Plan. The letter had been referred to the Human Resources Committee for consideration.

NOTED.

4.4 News Releases

The Chairman highlighted the following news releases:-

- Fatal Shooting By PSNI – OPONI Report – 4 October 2007

The Chairman advised the Board that representatives from the PSNI would brief the Board's Corporate Policy, Planning and Performance Committee on 17 October 2007 in relation to the report by the Office of the Police Ombudsman (OPONI) on the circumstances of the fatal shooting by the PSNI of Neil McConville on 29 April 2003. All Board Members were invited to attend the meeting. NOTED.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Conferences

The Chief Executive informed Members about the following conferences and advised that further details were available from Secretariat:-

- Equality Commission for Northern Ireland 7th Annual Conference in the Hilton Hotel, Belfast on 23 October 2007;
- Citizenship and Community Engagement Conference – 'Stimulating cohesion and overcoming barriers to integration' on 17 October 2007 in Central London.

NOTED.

5.2 NIPB Strategic Issues And Challenges

The Chief Executive drew the attention of Members to a tabled list of Strategic Issues and Challenges to be considered at the Board/PSNI Strategy Event on 18 October 2007. It was agreed that Members have the opportunity to discuss the paper in advance of the Strategy Event and to consider the matter at the October

2007 Corporate Policy, Planning and Performance Committee and all Board Members were invited to join the meeting. NOTED.

5.3 Confidentiality Of Papers

The Chief Executive drew the attention of Members to an article that appeared in a recent edition of the Irish News. The article gave confidential details of PSNI officers suspended from duty due to alleged misconduct or alleged involvement in criminal activity. While the information originated in PSNI, Board Members and staff had received the confidential details as part of the Board's monitoring role. The Chief Executive highlighted the implications under Data Protection and Human Rights legislation of such information appearing in the public domain. The Deputy Chief Constable had written to the Board to express his concern regarding the information detailed in the article.

The Chief Executive informed Members that he was considering the issuing of further guidance to Board Members and staff regarding the confidentiality of information provided to the Board. NOTED.

5.4 Post Traumatic Stress Disorder Legal Action

The Chief Executive informed the Board that the Police Federation for Northern Ireland was in the process of considering an appeal against the decisions given in the recent Post Traumatic Stress Disorder legal action. NOTED.

5.5 Members' Training and Development

Three Members had indicated their availability to attend the Training and Development Session arranged for the afternoon of 10 October 2007. The Chief Executive indicated that unless more Members were available he would consider postponing the event to a later date which would facilitate a greater attendance. NOTED.

6. CORPORATE POLICY, PLANNING AND PERFORMANCE COMMITTEE MEETING

6.1 Minutes Of The Meeting Of The Corporate Policy, Planning and Performance Committee Held On 20 September 2007

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

6.1.1. News Releases – Police Failed Rosemary Nelson: Police Ombudsman – 19 September 2007 (Item 5.4 Of Minutes Refers)

6.1.2 Research Support For Political Members (Item 8 Of Minutes Refers)

A letter had been drafted for the signature of the leaders of the 4 political parties within the Board to encourage the Secretary of State to further consider the issue of research support for political Members of the Board. NOTED.

It was:-

RESOLVED:

To adopt the draft minutes of the meeting of the Corporate Policy, Planning and Performance Committee held on 20 September 2007.

6.2 Consultative Group On The Past

The Committee considered a paper which outlined a number of key issues relating to a possible future engagement between the Board and the Consultative Group on the Past.

Following discussion, it was:-

AGREED:

- That the Board should arrange a meeting with the Consultative Group on the Past in late November 2007;
- That prior to this meeting, a representative group of Board Members should meet to seek to agree a corporate view on issues of consensus.

7. AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

7.1 Minutes Of The Meeting Of The Audit And Risk Management Committee Held On 21 September 2007

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

7.1.1 Internal Audit Annual Progress Report 2007/08 (Item 5 Of Minutes Refers)

7.1.2 Report By The Northern Ireland Audit Office On the Board's Financial Expenditure for 2006/07 (Item 7 Of Minutes Refers)

7.1.3 Status Report On Ballynahinch CCTV (Item 10.3 Of Minutes Refers)

It was:-

RESOLVED:

To adopt the draft minutes of the meeting of the Audit and Risk Management Committee held on 21 September 2007.

7.2 Review Of The Use Of External Consultants And Professional Services In PSNI

The Board considered a briefing paper and a recommendation from the Audit and Risk Management Committee that a review should be carried out of the use of consultants and professional services by PSNI.

Members discussed the background to the Treasury initiative to review consultancy services throughout Government.

The Committee also recommended that the Board should adopt a further proposal from the NIO that the Board should take the lead in appointing an independent auditor to carry out the review and brought forward draft terms of reference for the review. Members discussed the role of the Chair and Vice-Chair of the Committee in taking forward the review.

It was:-

RESOLVED:

- that the carrying out of a review of the use of external consultants and professional services in PSNI be approved;
- that the Terms of Reference be approved.

8. COMMUNITY ENGAGEMENT COMMITTEE MEETING

8.1 Minutes Of The Meeting Of The Community Engagement Committee Held On 27 September 2007

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

8.1.1 DPP Reconstitution – Appointment Of Independent Members – Outreach

8.1.2 Briefing – PSNI Report On Hate Crime in Northern Ireland

9. HUMAN RESOURCES COMMITTEE MEETINGS

9.1 Minutes Of The Meeting Of The Human Resources Committee Meeting Held On 13 September 2007

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

9.1.1 Monitoring Of Recruitment And Selection Of Police Trainees And Police Staff (Item 6 Of Minutes Refers)

9.1.2 Association Of Police Authorities – Lead Members (Item 7 Of Minutes Refers)

9.1.3 PSNI Special Priority Payments (SPP) Scheme (Item 14 Of Minutes Refers)

9.1.4 Northern Ireland Inspectors and Chief Inspectors Temporary Non-Pensionable Supplement (Item 15 Of Minutes Refers)

9.1.5 Presentation By PSNI Regarding Policing A Shared Future (Item 16 Of Minutes Refers)

It was:-

RESOLVED:

To adopt the draft minutes of the meeting of the Human Resources Committee held on 13 September 2007.

9.2 Minutes Of The Meeting Of The Human Resources (Quorum) Committee Held On 9 August 2007

It was:-

RESOLVED:

To adopt the draft minutes of the meeting of the Human Resources (Quorum) Committee held on 13 September 2007.

10. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING

10.1 Minutes Of The Meeting Of The Human Rights And Professional Standards Committee Held On 12 September 2007

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

10.1.1 Proposal To Introduce TASER To The PSNI (Item 11 Of Minutes Refers)

10.1.2 Engagement With Human Rights Non Governmental Organisations (Item 13 Of Minutes Refers)

It was:-

RESOLVED:

To adopt the draft minutes of the meetings of the Human Rights and Professional Standards Committee held on 12 September 2007.

10.2 TASER

The Chairman referred the Board to papers issued in advance of the meeting and to a number of papers tabled at the meeting, regarding PSNI proposals to introduce TASER. He reminded Members of the presentation given to the Board's Human Rights and Professional Standards Committee by ACC Operational Support on 12 September 2007 and highlighted the legal advice received by the Board from the Crown Solicitor's Office, correspondence from a number of Non Governmental Organisations, including the Equality Commission, and a letter from the Chief Constable dated 4 October 2007. Members considered the content of the documents.

The Chairman welcomed one of the Board's Human Rights Advisors to the meeting. The Advisor referred Members to a paper included in the documentation which provided further human rights advice in relation to the PSNI plans to introduce TASER. The Advisor commented in detail on the content of the paper.

In a lengthy discussion that followed, discussion centred on:-

- the proposal by PSNI to carry out an Equality Impact Assessment (EQIA) in tandem with an operational pilot of TASER;
- PSNI requirements to comply with Article 2 of the European Convention of Human Rights and Section 75 of the Northern Ireland Act 1998 and health and safety legislation. It was considered that it would be helpful if the Board was to be given sight of the legal advice that PSNI had received in this regard;
- concern that, as ACPO is currently reconsidering its policy and guidance on the use of TASER, should the PSNI elect to formulate its own policy, guidance and training, the PSNI's pilot deployment could be outside the national framework for deployment and use of TASER;
- the extent of the operational remit of the Chief Constable and his statutory obligations to personnel under his command and a possible recourse to firearms if TASER is not deployed;
- the content of correspondence from NGOs;

- the threshold for the PSNI operational test for the use of TASER and the need to agree the legal test for the use of TASER before assessment of the 'capability gap'.

The Sinn Fein political Members on the Board recorded the opposition of their party to any introduction of TASER by PSNI.

Mrs Kelly recorded the opposition of the SDLP to any introduction of TASER by PSNI.

Following discussion, the Chairman put the motion detailed below. Following a show of hands and by a majority vote of 11 votes to 5, it was:-

RESOLVED:

That the Board notes the advice of its Human Rights Advisors, which has been issued to all Members.

That the position of the Board is outlined without prejudice:

- to further communications and discussions between the PSNI and the Equality Commission, between the PSNI and the Board and between the Board and the Equality Commission; and
- to the ultimate decision of the Board and the results of the EQIA.

The Board understands that the PSNI are currently carrying out an EQIA in accordance with advice provided by the Equality Commission. It is the view of the Board that there should be no deployment of TASER prior to the completion of the EQIA.

Further, the Board would expect that, consistent with undertakings the PSNI have already provided and in the time period required to complete the EQIA, that the Board's Human Rights Advisors are consulted and satisfied with respect to outstanding concerns, namely:

- agreement on the proper legal test for the use of TASER;
- identification of the 'capability gap' based on the agreed legal test;
- efficiency of the policy guidance and training regarding the use of TASER.

11. RESOURCES AND IMPROVEMENT COMMITTEE MEETING

11.1 Minutes Of The Meeting Of The Resources And Improvement Committee Held On 21 September 2007

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

11.1.1 Future Best Value Continuous Improvement Committee (Item 4.1 Of Minutes Refers)

11.1.2 Refresh Of PSNI IS Strategy (Item 11 Of Minutes Refers)

11.1.3 Receipts From Sales From The Police Estate

At a previous meeting the Committee had discussed the issue of receipts from sales from the police estate and had asked officials to discuss with PSNI the use of proceeds from the sale of PSNI stations. The Board was informed that PSNI had advised that receipts in excess of those budgeted for must be surrendered to the NIO, and a bid submitted if PSNI has a scheme on which the excess receipts could be used. NOTED.

It was:-

RESOLVED:

To adopt the draft minutes of the meeting of the Resources and Improvement Committee held on 21 September 2007.

12. PUBLIC ENGAGEMENT MEETINGS

The Board considered a paper which provided an update on arrangements for the first Board public engagement meeting.

It was:-

AGREED:

- that the theme of the meeting would be based on community engagement;
- that a suitable location, date and time should be arranged by officials towards the end of November 2007.

13. MODERNISING POLICING POWERS – YOUR PACE, YOUR SAY – NIO CONSULTATION

The Board considered a paper which provided details of the PSNI's response to NIO consultation around PACE (the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 and revised Codes of Practice in March 2007) and Modernising Police Powers and a draft Board response to the NIO.

It was:-

AGREED:

- that officials should seek an extension of the deadline for comment from the NIO;
- that the PSNI's response should be considered by the Board's Human Rights Advisors and their comments brought to a future meeting of the Human Rights and Professional Standards Committee.

14. INFORMATION PAPERS

There were no matters arising.

15. COMMUNICATION ISSUES

It was:-

AGREED:

That a news release should be issued in respect of the Board's consideration of the PSNI proposal to introduce TASER.

16. QUESTIONS FOR THE CHIEF CONSTABLE

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

The Chairman read the resolution that the Board passed earlier in the meeting (Item 10.2 refers) concerning the proposal by PSNI to carry out an Equality Impact Assessment in tandem with an operational pilot of TASER.

The Chief Constable sought clarification if the resolution was an instruction from the Board not to deploy TASER in an operational pilot or was an expression of the view of the Board. The Chairman confirmed that this was the view of the Board. The Chief Constable noted the Board's view. The Chief Constable confirmed that he considered that the deployment of TASER was an operational decision within his remit as the Chief Constable of the PSNI.

The Board received further information in relation to:-

- the police investigation into the murder of Mr Robert McCartney;

- the PSNI estates strategy relating to Ballynafeigh and Mountpottinger stations;
- the police investigation into an incident at an Orange Order hall in Newcastle.

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

17. ANY OTHER BUSINESS

There were no matters arising.

18. DATE OF NEXT MEETING

The date of the next meeting was arranged for 1 November 2007 at Waterside Tower, Belfast.

(Meeting closed 8.40pm)

Secretariat

September 2007

Chairman