

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE SPECIAL MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY 1 OCTOBER 2025 AT 12 PM IN JAMES HOUSE, BELFAST

BOARD MEMBERS IN ATTENDANCE:

Mr Mukesh Sharma (Board Chair)
Mr Brendan Mullan (Board Vice-Chair)
Mr Trevor Clarke MLA*
Mr Frank McManus*
Mr Keith Buchanan MLA*
Mr Gerry Kelly MLA
Mrs Linda Dillon MLA
Mr Les Allamby
Ms Nuala McAllister*
(2) Mr Tommy O'Reilly*
Mr Colin McGrath MLA
(1) Mrs Cheryl Brownlee MLA
Mr Alan Chambers MLA
Mr Peter McReynolds MLA*

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

Mrs Sinead Simpson, NIPB Chief Executive
Mr Adrian McNamee, Director of Performance

2 Board Officials

BOARD'S HUMAN RIGHTS ADVISOR

John Wadham

- (1) Open to part item 3
- (2) Part item 3 to close

*Attended meeting via video-conference facility.

1. APOLOGIES

Apologies were received from Dr Kate Laverty, Mr Patrick Nelson, Mr Peter Osborne and Mrs Marian Cree.

The Committee agreed the agenda for the meeting, and no one raised any business they wished to discuss under 'Any Other Business'.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. BOARD NEXT STEPS – (McCullough Review Report)

The Board Chair welcomed everyone to the meeting and invited the Chief Executive to introduce the briefing paper provided in support of the meeting.

The Chief Executive highlighted the details of the paper noting the Annexes attached with the paper and specifically the correspondence issued to the Chief Constable from the Board Chair dated 26 September 2025 which pulled together the feedback and further questions Members wished to put to the Chief Constable following the launch of the McCullough Report the previous week. The Chief Executive recorded her thanks to Members for their input and advised that the Chief Constable intends to provide a response to the correspondence following hearing the views of Members at tomorrow's Board meeting.

Noting that the Board needed to consider whether it accepted the McCullough Report as meeting the requirements of a Board Section 59 (S59) request, the Chief Executive asked Members to consider next steps noting a number of points salient to their considerations including:

- That Mr McCullough KC will complete a follow up review which is likely to report around April 2026,
- The importance of the Board's Human Rights Advisor having continued access to ongoing work by Mr McCullough KC,
- Details of some public commentary since the publication of the report, and
- Whether, on foot of this report, the Board considers it appropriate to progress to a Section 60 (S60) Inquiry.

In respect of concerns raised by Members around potential misconduct issues, the CE advised Members that advice is currently being sought regarding this.

The Board Chair thanked the CE for her introduction and invited questions and/or comments from Members.

A number of Members expressed the view that a S60 would have relevance in light of the information uncovered by the McCullough Report, for example in relation to the number of unlawful uses of covert practices which was different than in the June 2024 report from the Chief Constable, the 'washing through' of journalists' phone numbers and the fact that to date the Board has received no information on who authorised this practice (including the apparent absence of legal advice), the very recent directed surveillance carried out on a particular journalist, and

the breach of a court undertaking to delete information relating to Mr. Birney and Mr. McCaffrey. Other matters raised in support of progressing to a S60 inquiry related to issues of public confidence and the need for further assurances that were required. In particular, in light of the report, around the PSNI's relationship and information sharing with the Security Services. Members acknowledged that the scope of any S60 inquiry by the Board could not cover these particular arrangements and as such, a public inquiry into these arrangements would have to be commissioned by the Westminster Government, with some members noting that such was unlikely to happen.

Several Members expressed the alternate view that the Board should not proceed to a S60 inquiry for a number of reasons including:

- The comprehensive and robust nature of the McCullough Report and that a further follow-up review by Mr McCullough KC is scheduled for early next year,
- What the likelihood would be of further disclosures in a S60 Inquiry,

- The unprecedented access provided to Mr McCullough KC by PSNI in the process to date and that any subsequent Inquiry would have no additional access further to that already provided,
- The cost and time required to deliver an effective S60 Inquiry which would likely take years to complete,
- That a number of matters raised in the Report (such as in relation to the Security Services) go beyond what the Board could do within the parameters of a S60 inquiry,
- There may be issues arising at the conclusion of the ongoing proceedings with the Investigatory Powers Tribunal (IPT) which Members may wish to take account of before proceeding with a decision regarding a S60 Inquiry,
- That the expert advisory panel has endorsed the McCullough Report and none of its members are calling for a S60 Inquiry, and,
- That the Police (NI) Act provides that the Chief Constable can ask the Secretary of State (and Justice Minister) to block the decision of the Board to carry out an Inquiry on the grounds of the likely disclosure of particular information (including information that related to national security).

These Members expressed the view that the Board's role now was to set up robust oversight mechanisms to ensure PSNI's implementation of the 16 recommendations contained in the McCullough Report.

Throughout the discussion the Board Chair invited comments from the Board's Human Rights Advisor on the points below and any other relevant input to help inform Members' discussion:

- His thoughts as observer on the advisory panel and his professional assessment of what a S60 could provide further to what is already included in the McCullough Report,
- A Member's suggestion that he review the cases which he had not previously had the opportunity to sample or consider so far.

- What might be uncovered as a result of the ongoing IPT proceedings and whether the Board could defer a decision on a S60 Inquiry until those proceedings have concluded.

The Board's HRA noted that he was satisfied with the thoroughness and detail in the McCullough Report and that his suggestion to the Board would be to await the outcome of the IPT proceedings before further considering the S60 Inquiry issue. In relation to the cases he had sampled, he offered assurance to Members that the McCullough Report is consistent with the paperwork he reviewed however he acknowledged that he had not reviewed every case. He advised that a more detailed review could be undertaken should the Board decide it was required. The Board's HRA acknowledged that concerns around the PSNI/Security Services relationship would be best addressed via a public inquiry but noted the slim likelihood of this taking place.

The HRA also outlined the legislative position for the Board in terms of any decision to trigger a S60 Inquiry (i.e. '*by reason of the gravity of the matter or exceptional circumstances*') and discussed with Members the likely circumstances of how that 'gravity' test may be met and what would be considered proportionate, (i.e. are there likely to be issues going forward or will those potential issues be dealt with if the Board pursues implementation of the McCullough recommendations).

In drawing the meeting to a close the Board Chair summarised the options available to the Board in terms of next steps including:

- I. Proceeding directly to a S60 Inquiry;
- II. Accepting the report and proceeding to oversee the implementation of the McCullough Report recommendations without a S60 Inquiry,
- III. Seeking a further analysis by the HRA of the cases considered by the Review or

- IV. Deferring a decision on a S60 Inquiry until the outcome of the IPT proceedings is known while in the meantime proceeding to oversee the implementation of the McCullough Report recommendations.

Following discussion, a Member proposed that the option for a S60 Inquiry is left open until the conclusion of the IPT proceedings while the Board proceeds to oversee the implementation of the 16 recommendations in the McCullough Report. This proposal was seconded. Another Member requested an addition to the proposal, that the follow up review by Mr McCullough KC (anticipated to be completed by approximately April 2026) should be viewed by the Board as a continuum of the current S59 report at which point the Board will then make a decision on the S60 Inquiry.

The Board **AGREED** the above proposal.

Mr Colin McGrath MLA requested he be noted as being against this proposal.

A Member went on to note two additional areas of concern for the Board in terms of the apparent ineffectiveness of IPCO (the Investigatory Powers Commissioners Office) and the role of MI5, their relationship with PSNI and what assurances the Board can get around this.

On this point, a Board official noted that evidence had previously been given to the Justice Committee by Board officials in respect of an Investigatory Powers Commissioner for NI however no appointment to the role has ever been made.

Following discussion, it was **AGREED** that:

- Information on the Board's previous evidence to the Justice Committee regarding an IP Commissioner for NI would be shared with Members following the meeting, and,

- That a question would be put to the Chief Constable at the Board meeting the following day in respect of PSNI's relationship and working arrangements with MI5.

4. COMMUNICATION ISSUES/OPPURTUNITIES

None.

9. ANY OTHER BUSINESS

No other business was discussed.

10. DATE OF NEXT MEETING

Members noted the next meeting of the Board is tomorrow, **2 October 2025** in James House.

Meeting closed 1.40pm

STRATEGIC PLANNING & GOVERNANCE
October 2025

Chair